

AN ACT relating to academic credit for military experience.

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

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

(1) As used in this section:

(a) "Commercial product" means any product of a type customarily used by the general public, or by nongovernmental entities, for purposes other than governmental purposes and that has been historically sold, leased, or licensed, or offered for sale, lease, or license, to the general public by retail establishments;

(b) "Commercial product" does not include the following:

1. Any governmental sale of product that is authorized pursuant to a provision of the Kentucky Revised Statutes. For the purposes of this subparagraph, a statutory authorization shall serve as an authorization for all units and classes of local governments to provide that product;
2. Seasonal fundraising activities conducted by the local government that involve the sale of a product or products;
3. Any sales of a commercial product generating gross revenues of no more than twenty-five thousand dollars (\$25,000) annually for the local government;
4. Sales of commercial products that are traditionally ancillary to or in conjunction with the provision of a government service;
5. Broadband, information technology, or cable service, or other traditional utility service; or
6. The sale of a product when there are no private alternatives to serve the need of the local government's citizens within a reasonable

distance of the jurisdictional boundaries to the local government; and

(c) "Local government" means a city, county, urban-county government, charter county government, consolidated local government, unified local government or any political subdivision of a local government, or corporation created by or on behalf of a local government.

(2) (a) Prior to commencing or continuing the retail or wholesale sale of a commercial product not previously sold by the local government prior to January 1, 2013, the local government legislative body shall conduct a study to determine what effects the sale of that product likely will have on the:

1. Local government;
2. Citizens of the local government;
3. Entities already providing that product in the jurisdiction of the local government.

(b) The study shall also include an analysis that specifically identifies:

1. The commercial products that the local government proposes to sell;
2. The potential customer base;
3. The pricing of the commercial products;
4. Competitors in the marketplace;
5. A plan for selling the commercial products, including the infrastructure, equipment, and personnel to be used; and
6. Any other information the local government may wish to include.

(c) The study, upon completion, shall be deemed a "public record" as defined in KRS 61.870 and shall be subject to full disclosure, notwithstanding any exemption in KRS 61.878.

(d) The study shall be completed and shall be available for inspection on or before the day the advertisement is published as set out in subsection (3) of this section.

(e) If the local government is planning to commence or continue retail or wholesale sale of a commercial product through the use of a political subdivision of a local government, or a corporation created by or on behalf of a local government, all analyses required by this subsection shall, in addition to the immediate effects on the subdivision or corporation, take into account the effects of the sale on the entirety of the city, county, urban-county government, consolidated local government, charter county government, or unified local government in which the subdivision or corporation operates.

(3) Prior to commencing or continuing the retail or wholesale sale of a commercial product not previously sold by the local government prior to January 1, 2013, the local government legislative body shall have a public hearing on the proposed retail or wholesale sale of the commercial product. The public hearing shall be held by the legislative body or board immediately governing the local government and shall be advertised to the public in accordance with KRS Chapter 424. In addition, the local government shall provide details of the proposed action to the public by either placing information on an Internet Web site that is affiliated with the local government and contains other information about the local government or by publishing the information in a newspaper of general circulation pursuant to KRS Chapter 424. Regardless of which option of providing the information the local government chooses, it shall be made available at least four (4) weeks but not earlier than twelve (12) weeks prior to the date of the public hearing and shall, at a minimum, include the following:

(a) A statement that the local government plans to sell a commercial product, which specifically identifies that product;

(b) The reasons that the local government will enter the market for the sale of the commercial product;

- (c) A statement that the local government has performed a study relating to the sale of that commercial product to determine the effects on the local government, the citizens of the local government, and the entities selling that product;
- (d) The date, time, and place of a public hearing to receive public comment on the proposed sale of the commercial product and upon the study performed relating to the sale of the product; and
- (e) The manner in which members of the public may obtain copies of or otherwise examine the study required by this subsection to be performed by the local government.
- (4) A local government that commences or continues retail or wholesale sales of any commercial product not previously sold by this local government before January 1, 2013, shall be subject to the following conditions in the sale of the commercial products:
- (a) 1. The revenues, expenses, and all other matters relating to the venture in which the commercial products are sold shall be accounted for separately from all other activities of the local government; and
2. All revenues derived from the venture shall be maintained in an account separate and unique from all other funds and revenues collected by the local government;
- (b) Sales of the commercial products shall not be subsidized with funds from any other governmental operation or revenue source of the local government;
- (c) The local government shall not price the commercial product below the cost of providing the product for sale to the public. In calculating the cost of the product sales, the local government shall impute the equivalent cost of capital for a private competitor, and an amount equal to all taxes, licenses,

fees, and other assessments that a private competitor would pay;

(d) For the purposes of calculating the taxes, licenses, fees, and other assessments that a private competitor would pay, the finances and business affairs of the venture shall be evaluated as if the venture were a separate, independent C corporation;

(e) The local government shall:

1. Annually remit to its general fund from the separate account of the venture the equivalent of all taxes, licenses, fees, and other assessments that a nongovernmental commercial entity operating as a separate, independent C corporation would pay while operating within the local government's boundaries, as a result of taxes, licenses, fees, and other assessments levied by the local government itself; and

2. Make payments in lieu of taxes, licenses, fees, and other assessments that are the equivalent of all taxes, licenses, fees, and other assessments that a nongovernmental commercial entity operating as a separate, independent C corporation would pay to the state and any other local government taxing jurisdiction while operating within the local government's boundaries, including any applicable property taxes; and

(f) The local government shall annually prepare a statement of resource allocation that specifically identifies the venture and shows individual products, materials, infrastructure, personnel, utilities, and other resources that are shared by both the local government and the venture. This statement of resource allocation shall identify the monetary value of the individual shared resources used by the venture in proportion to its use by the local government. The records required in this paragraph shall be deemed "public records" as defined in KRS 61.870 and shall be subject to

full disclosure, notwithstanding any exemption in KRS 61.878.

(5) The requirements of subsections (2), (3), and (4) of this section shall be suspended in the event of a gubernatorial declaration of a state of emergency pursuant to KRS Chapter 39A in the boundaries of a local government. If the declaration of emergency has no concluding date, subsections (2), (3), and (4) of this section shall be suspended until one hundred eighty (180) days following the date of the issuance of the declaration of emergency, or until the declaration of emergency is otherwise concluded, whichever is earlier.

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

(1) As used in this section:

(a) "Commercial product" means any product of a type customarily used by the general public, or by nongovernmental entities, for purposes other than governmental purposes and that has been historically sold, leased, or licensed, or offered for sale, lease, or license, to the general public by retail establishments;

(b) "Commercial product" does not include the following:

1. Any governmental sale of product that is authorized pursuant to a provision of the Kentucky Revised Statutes. For the purposes of this subparagraph, a statutory authorization shall serve as an authorization for all state entities to provide that product;
2. Seasonal fundraising activities conducted by the state entity that involve the sale of a product or products;
3. Any sales of a commercial product generating gross revenues of no more than twenty-five thousand dollars (\$25,000) annually for the state entity;
4. Sales of commercial products that are traditionally ancillary to or in

conjunction with the provision of a government service;

5. Broadband, information technology, or cable service, or other traditional utility service; or

6. The sale of a product when there are no private alternatives to serve the need of the Commonwealth's citizens within the jurisdictional boundaries of the Commonwealth; and

(c) "State entity" means a unit of state government set out in KRS 12.020.

(2) (a) Prior to commencing or continuing the retail or wholesale sale of a commercial product not previously sold by the state entity prior to January 1, 2013, the executive head, or governing body, if there is one, of the state entity shall conduct a study to determine what effects the sale of that product likely will have on the:

1. State entity;

2. Citizens of the Commonwealth;

3. Entities already providing that product in the jurisdiction of the Commonwealth.

(b) The study shall also include an analysis that specifically identifies:

1. The commercial products that the state entity proposes to sell;

2. The potential customer base;

3. The pricing of the commercial products;

4. Competitors in the marketplace;

5. A plan for selling the commercial products, including the infrastructure, equipment, and personnel to be used; and

6. Any other information the state entity may wish to include.

(c) The study, upon completion, shall be deemed a "public record" as defined in KRS 61.870 and shall be subject to full disclosure, notwithstanding any exemption in KRS 61.878.

- (d) The study shall be completed and shall be available for inspection on or before the day the advertisement is published as set out in subsection (3) of this section.
- (e) If the state entity is planning to commence or continue retail or wholesale sale of a commercial product through the use of a political subdivision of a state entity, or a corporation created by or on behalf of a state entity, all analyses required by this subsection shall, in addition to the immediate effects on the subdivision or corporation, take into account the effects of the sale on the entirety of the geographic area in which the subdivision or corporation operates.
- (3) Prior to commencing or continuing the retail or wholesale sale of a commercial product not previously sold by the state entity prior to January 1, 2013, the executive head, or governing body, if there is one, of the state entity shall have a public hearing specifically called for that purpose on the proposed retail or wholesale sale of the commercial product. The public hearing shall be advertised to the public in accordance with KRS Chapter 424. In addition, the state entity shall provide details of the proposed action to the public by either placing information on an Internet Web site that is affiliated with the state entity and contains other information about the state entity or by publishing the information in a newspaper of general circulation pursuant to KRS Chapter 424. Regardless of which option of providing the information the state entity chooses, it shall be made available at least four (4) weeks but not earlier than twelve (12) weeks prior to the date of the public hearing and shall, at a minimum, include the following:
- (a) A statement that the state entity plans to sell a commercial product, which specifically identifies that product;
- (b) The reasons that the state entity will enter the market for the sale of the commercial product;

- (c) A statement that the state entity has performed a study relating to the sale of that commercial product to determine the effects on the Commonwealth, the citizens of the Commonwealth, and the entities selling that product;
- (d) The date, time, and place of a public hearing to receive public comment on the proposed sale of the commercial product and upon the study performed relating to the sale of the product; and
- (e) The manner in which members of the public may obtain copies of or otherwise examine the study required by this subsection to be performed by the state entity.
- (4) A state entity that commences or continues retail or wholesale sales of any commercial product not previously sold by this state entity before January 1, 2013, shall be subject to the following conditions in the sale of the commercial products:
- (a) 1. The revenues, expenses, and all other matters relating to the venture in which the commercial products are sold shall be accounted for separately from all other activities of the state entity; and
2. All revenues derived from the venture shall be maintained in an account separate and unique from all other funds and revenues collected by the state entity;
- (b) Sales of the commercial products shall not be subsidized with funds from any other governmental operation or revenue source of the state entity;
- (c) The state entity shall not price the commercial product below the cost of providing the product for sale to the public. In calculating the cost of the product sales, the state entity shall impute the equivalent cost of capital for a private competitor, and an amount equal to all taxes, licenses, fees, and other assessments that a private competitor would pay;
- (d) For the purposes of calculating the taxes, licenses, fees, and other

assessments that a private competitor would pay, the finances and business affairs of the venture shall be evaluated as if the venture were a separate, independent C corporation;

(e) The state entity shall:

1. Annually remit to its general fund from the separate account of the venture the equivalent of all taxes, licenses, fees, and other assessments that a nongovernmental commercial entity operating as a separate, independent C corporation would pay while operating within the city, county, urban-county government, charter county government, consolidated local government or unified local government boundaries wherein the sale occurs, as a result of taxes, licenses, fees, and other assessments and taxes levied by the Commonwealth itself; and

2. Make payments in lieu of taxes, licenses, fees, and other assessments that are the equivalent of all taxes, licenses, fees, and other assessments that a nongovernmental commercial entity operating as a separate, independent C corporation would pay to the state and any other city, county, urban-county government, charter county government, consolidated local government or unified local government taxing jurisdiction while operating within the city, county, urban-county government, charter county government, consolidated local government or unified local government boundaries, including any applicable property taxes; and

(f) The state entity shall annually prepare a statement of resource allocation that specifically identifies the venture and shows individual products, materials, infrastructure, personnel, utilities, and other resources that are shared by both the state entity and the venture. This statement of resource

allocation shall identify the monetary value of the individual shared resources used by the venture in proportion to its use by the state entity. The records required in this paragraph shall be deemed "public records" as defined in KRS 61.870 and shall be subject to full disclosure, notwithstanding any exemption in KRS 61.878.

(5) The requirements of subsections (2), (3), and (4) of this section shall be suspended in the event of a gubernatorial declaration of a state of emergency pursuant to KRS Chapter 39A in the boundaries of a city, county, urban-county government, charter county government, consolidated local government, or unified local government wherein the state entity conducts sales. If the declaration of emergency has no concluding date, subsections (2), (3), and (4) of this section shall be suspended until one hundred eighty (180) days following the date of the issuance of the declaration of emergency, or until the declaration of emergency is otherwise concluded, whichever is earlier.

(6) Nothing in this section shall be construed to abridge or otherwise relieve the requirements applicable to the Commonwealth and any subdivisions of the state relating to procurement and the sale of surplus property found in KRS Chapter 45A.

➔Section 3. KRS 164.2951 is amended to read as follows:

- (1) Beginning with the 2012-2013 academic year and each academic year thereafter for first-time students enrolling in a public college or university, postsecondary education institutions are encouraged to limit the credit-hour requirements to sixty (60) credit hours for each associate of science or associate of arts degree program and to one hundred twenty (120) credit hours for each bachelor of arts or bachelor of science degree program, except in situations in which:
 - (a) Quality and content of a program would be negatively impacted; or
 - (b) A program must comply with specific program standards established by

external accreditation bodies.

- (2) The Council on Postsecondary Education, in collaboration with the public universities and community and technical colleges, shall:
- (a) Facilitate the development and implementation of a statewide agreement for alignment of Kentucky Community and Technical College System lower-division associate of arts and associate of science coursework that shall be accepted and fully credited to related bachelors degree programs by all public universities. The agreement shall specify the general education learning outcomes and program-specific prerequisite learning outcomes of the coursework. Where applicable, curricula shall be reviewed to determine comparability of core content standards required under KRS 164.302. The agreement shall direct that the associate of arts and associate of science coursework meeting the learning outcomes specified shall be accepted for transfer and degree credit, whether earned as individual courses or within block programs;
 - (b) Develop, implement, and maintain a Kentucky Community and Technical College System statewide course numbering system for lower-division general education and program-specific prerequisite courses that include the same learning outcomes;
 - (c) Establish a statewide course classification system and procedures to monitor the transfer and crediting of lower-division coursework, including a system of ongoing assessment that ensures comparability for transfer purposes;
 - (d) Establish a procedure for approval of changes in learning outcomes at public universities as described in subsection (3) of this section;
 - (e) **Facilitate, develop, implement, and maintain a statewide policy among all public postsecondary education institutions to provide appropriate academic credit for military service and training for members serving in the United**

States Armed Forces, Reserves, or National Guard, and veterans who were discharged or released therefrom with an honorable discharge, discharge under honorable conditions, or general discharge;

- (f)** Standardize credit-by-exam equivalencies and common passing scores for national exams transferable for general education courses and program-specific prerequisites courses;
- (g)**~~(f)~~ Develop policies to align statewide articulation and transfer procedures across educational institutions, including admissions criteria, student declaration of major, and student guidance and counseling policies designed to ensure that students pursuing an associate of arts or associate of science degree program provide timely notification of their intention to transfer to a public university;
- (h)**~~(g)~~ Develop uniform data collection and reporting methods to facilitate and ensure statewide and institutional compliance with course transfer and credit requirements;
- (i)**~~(h)~~ Guarantee that, upon admission to a public university, graduates of an associate of arts or an associate of science degree program approved by the council in consultation with public universities shall be deemed to have met all general education requirements;
- (j)**~~(i)~~ Provide that graduates of approved associate of arts and associate of science degree programs of Kentucky public postsecondary institutions who complete the prerequisite learning outcomes for a bachelor of arts or bachelor of science program while fulfilling the requirements for an associate of art or associate of science degree, shall not be required to repeat or to take any additional lower-level courses to fulfill bachelor degree requirements in the same major, and these students shall be granted admission to related upper-division bachelors degree programs of a state public college or university on

the same criteria as those students earning lower-division credits at the university to which the student transferred;

~~(k)~~~~(j)~~ Provide that graduates of approved associate of arts and associate of science degree programs shall receive priority for admission to a state public university over out-of-state students if they meet the same admission criteria;

~~(l)~~~~(k)~~ Establish a commonality in college transcripts to be used in all public colleges and universities to facilitate transfer from community and technical colleges;

~~(m)~~~~(l)~~ Encourage private colleges and universities to collaborate with public educational institutions in developing programs and agreement to expedite the transfer of students and credits between institutions;

~~(n)~~~~(m)~~ Establish an appeals process to resolve disagreements between transferring students and receiving educational institutions regarding the transfer and acceptance of credits earned at another institution; and

~~(o)~~~~(n)~~ Ensure that all articulation and transfer policies are consistent with the rules and regulations established by all appropriate discipline-specific accrediting bodies and institutional accrediting agencies as recognized by the United States Department of Education.

- (3) When an institution seeks to change learning outcomes for a bachelor of arts or bachelor of science program that affect lower-division courses, the university shall notify the Council on Postsecondary Education and the Kentucky Community and Technical College System of the proposed changes at the same time as the initiation of the university's approval process. If it is determined that the proposed change will have an adverse effect on transferability, the university proposing the change shall enter into discussion with the council and the Kentucky Community and Technical College System to verify there remains a clearly defined path to a bachelor's degree for those students who plan to transfer from the Kentucky Community and

Technical College System to the public university.

➔Section 4. KRS 311.720 is amended to read as follows:

As used in KRS 311.710 to 311.820, and laws of the Commonwealth unless the context otherwise requires:

- (1) "Abortion" shall mean the use of any means whatsoever to terminate the pregnancy of a woman known to be pregnant with intent to cause fetal death;
- (2) **"Abortion services" means:**
 - 1. Providing abortions;**
 - 2. Providing referrals to or information about facilities where abortions are performed or individuals who perform abortions; or**
 - 3. Providing counseling, advice, written materials or other information that encourages or promotes abortion;**
- (3)** "Hospital" shall mean those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of KRS Chapter 216;
- ~~(4)~~~~(3)~~ "Consent" as used in KRS 311.710 to 311.820 with reference to those who must give their consent shall mean an informed consent expressed by a written agreement to submit to an abortion on a written form of consent to be promulgated by the secretary for health and family services;
- ~~(5)~~~~(4)~~ "Cabinet" shall mean the Cabinet for Health and Family Services of the Commonwealth of Kentucky;
- ~~(6)~~~~(5)~~ "Fetus" shall mean a human being from fertilization until birth;
- ~~(7)~~~~(6)~~ "Human being" shall mean any member of the species homo sapiens from fertilization until death;
- ~~(8)~~~~(7)~~ "Partial-birth abortion" shall mean an abortion in which the physician performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery;
- ~~(9)~~~~(8)~~ "Vaginally delivers a living fetus before killing the fetus" shall mean

deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus;

~~(10)~~~~(9)~~ "Physician" shall mean any person licensed to practice medicine in the Commonwealth or osteopathy pursuant to the provisions of this chapter;

~~(11)~~~~(10)~~ "Viability" shall mean that stage of human development when the life of the unborn child may be continued by natural or life-supportive systems outside the womb of the mother;

~~(12)~~~~(11)~~ "Accepted medical procedures" shall mean procedures of the type performed in the manner and in a facility with equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients;

~~(13)~~~~(12)~~ "Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;

~~(14)~~~~(13)~~ "Medical necessity" means a medical condition of a pregnant woman that, in the reasonable judgment of the physician who is attending the woman, so complicates the pregnancy that it necessitates the immediate performance or inducement of an abortion; and

~~(15)~~~~(14)~~ "Probable gestational age of the embryo or fetus" means the gestational age that, in the judgment of a physician, is, with reasonable probability, the gestational age of the embryo or fetus at the time that the abortion is planned to be performed.

➔Section 5. KRS 311.715 is amended to read as follows:

(1) As used in this section, "affiliate" means an individual or entity that directly or indirectly owns, controls, is controlled by, or is under common control of another

person or entity in whole or in part, including but not limited to subsidiary, parent, or sibling entities.

(2) ~~{No }~~Public funds shall **not** be used for the purpose of obtaining an abortion or paying for the performance of an abortion. Public medical facilities may be used for the purpose of conducting research into or the performance of in-vitro fertilization as long as such procedures do not result in the intentional destruction of a human embryo.~~{ For purposes of this section, "public funds" means any money of the Commonwealth of Kentucky, any department, agency or instrumentality thereof, or any money of any county, city, agency or instrumentality thereof or any money of any other political subdivision of the Commonwealth, agency or instrumentality thereof. }~~

(3) (a) State or local funds shall not be directly or indirectly used, granted, paid, or distributed to any nonpublic entity or organization described in paragraph (b)3. of this subsection. The provisions of this paragraph shall not apply to funding available through KRS 205.510 to 205.560 to the minimum extent necessary to comply with federal conditions for the state's participation in the program established by KRS 205.510 to 205.560.

(b) Notwithstanding any other law to the contrary, state and federal family planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the following order of descending priority:

1. Public entities that directly provide family planning services, including state, county, and local community health clinics and federally qualified health centers;

2. Nonpublic entities that directly provide comprehensive primary and preventive health services, as described in 42 U.S.C. sec. 254b(b)(1)(A), in addition to family planning services; and

3. Nonpublic entities that directly provide family planning services, but do not provide comprehensive primary and preventative services.

- (4)** Nothing in this section shall be deemed to deprive a woman of all appropriate medical care necessary to prevent her physical death.
- (5)** Nothing in this section shall be construed to allow public funds to pay for in-vitro fertilization procedures performed on any individual patient.