

## Coal and nuclear energy ‘the answer,’ lawmakers told

by Rebecca Hanchett  
*LRC Public Information*

Coal and nuclear power are “the answer” to Kentucky’s energy future, state lawmakers heard at a December meeting of the Legislature’s Interim Joint Committee on Natural Resources and Environment.

Nuclear power plants cannot be built in Kentucky currently because of a moratorium on their construction. But Steve Polston, an engineer and former general manager of Paducah’s United States Enrichment Corporation, said nuclear power is the most viable option for electricity production in the U.S. next to coal.

“With a nuclear power plant located in the Commonwealth, you would be consuming a product made here in the state, that is enriched fuel for reactors,” and has been produced in Paducah since 1952 at the country’s only uranium enrichment facility. “I think that’s positive.”



Sen. Brandon Smith, R-Hazard, co-chair of the Interim Joint Committee on Natural Resources and Environment, fields questions during the committee’s Dec. 11 meeting.

The Paducah plant is owned by the U.S. Department of Energy and employs over 1,200 people to produce low-grade uranium for nuclear power plants nationwide and worldwide.

Sen. Bob Leeper, I-Paducah and Chair of the Senate Appropriations and Revenue Committee, has filed legislation in past sessions calling for an end to the moratorium on nuclear power plant construction. State law has banned construction of such plants until the federal government comes up with a plan to dispose of high-level nuclear waste.

Kentucky Energy and Environment Cabinet Secretary Len Peters said plans have been put on hold for storage at Nevada’s Yucca Mountain, which was being developed as a nuclear waste repository until recently. If the site was open as waste repository today, Peters said it would be at 100 percent usage.

Leeper told the committee that Kentucky’s moratorium on nuclear power plant construction is costing the state jobs—jobs that could go to places as close to Kentucky as Piketon in southern Ohio that has filed an application to build a new nuclear facil-

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## Entrepreneurship program shows results

by Rob Weber  
*LRC Public Information*

A program aimed at promoting entrepreneurship is helping create jobs through the launch of start-up companies and the expansion of existing businesses, members of the Tobacco Settlement Agreement Fund Oversight Committee were told at a Dec. 2 meeting.

The goal of the Kentucky Entrepreneurial Coaches Institute – which is run by the University of Kentucky College of Agriculture and the Cooperative Extension Service -- is to turn 41 tobacco-dependent counties into “the most entrepreneur-friendly spot in all of rural America,” said Ron Hustedde, the institute’s director.

In addition to encouraging economic diversification by stimulating small business start-ups and expansions, the Institute works to provide local grass roots leaders with tools to foster entrepreneurship, Hustedde said. Another objective is the strengthen community groups and institutions so that they are receptive to entrepreneurs.

“It’s all about connecting entrepreneurs to resources and creating an entrepreneurial climate where it’s exciting and people in the community

are excited about entrepreneurship and want to support it,” he said.

Part of the program’s efforts focus on developing entrepreneurship coaches who offer their guidance to others who want to create new local economic opportunities, Hustedde said. The coaches work with people in their communities to create networking opportunities and help entrepreneurs set goals and plans to achieve them.

**The program has received national honors, including recognition as one of the ‘16 best entrepreneurial programs in the country.’**

approached University of Kentucky officials with a request for a proposal to stimulate the economy in northeast Kentucky. The success of the Institute

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## LRC to host lobbyist workshop

The Legislative Research Commission will hold a Jan. 7 orientation program to help legislative agents develop a greater understanding of the Kentucky General Assembly and the legislative process.

The orientation begins at 9 a.m. and ends at 2:30 p.m. in the Capitol Annex, Room 154. A lunch break will be given from 11:30 a.m. to 1 p.m.

The orientation is aimed primarily at legislative agents working during the General Assembly’s 2008 session who are new to their jobs or those who want a refresher course in legislative operating procedures. Those attending will have an opportunity to listen to presentations from legislative leaders, staff members of the Legislative Research Commission and a veteran lobbyist on the inner workings of the legislative process and the roles that legislative agents play in that process.

The Legislative Ethics Commission will also offer a presentation.

There is no charge for attending the orientation and no pre-registration is required.

The General Assembly’s 2010 session starts Jan. 5 and is scheduled to end April 13.

ity.

“If anything happens at that plant, it will affect Kentucky, but they’re going to get the benefit of those jobs to build the plan, run the plan on a continuing basis and we have a sign up saying ‘no, thank you’,” said Leeper. There are currently 104 nuclear power

“These are very serious issues and we have the technology and the minds to achieve these goals, yet just like Yucca Mountain, they sit there and rot. And it’s very, very unfortunate.”

**Sen. Brandon Smith, R-Hazard**

said Polston. He said that because all energy produced by coal and nuclear plants share the nation’s electricity transmission grid, it doesn’t matter if the power on the grid comes from coal, or nuclear.

“So why not build them here and reap the benefit of a construction project that may employ 10,000 for five to

plants online in 31 states, he added.

Lifting the moratorium, said Polston, would remove what he said is a “Keep Out” sign to industry without hurting coal.

“If you are looking at 20 or 30 states that don’t have a Keep Out posting, that will make a difference. It is a symbol of hostility when you have that hanging over your state,”

10 years?” he said.

The reputation that nuclear power has as a result of decades-old military activity was another issue aired before the committee. Peters explained that 99.99 percent of that reputation has nothing to do with nuclear power plants.

“It is all related to the weapons programs and what was done largely between 1944 and roughly 1965 to 1970,” said Peters. “And that was all on the weapons side,” or totally unrelated to nuclear power for electricity generation or power for naval ships powered by small onboard reactors.

Sen. David Boswell, D-Owensboro, asked Polston if there is advancing technology to reprocess nuclear waste, which could reduce the volume of waste stored.

Polston said reprocessing can be done, and be done safely, but that it has not been done.

“There is a fear of proliferation, and someone getting their hands on reprocessed material and using it,” said Polston.

Committee Co-Chair Sen. Brandon Smith, R-Hazard, said innovation is needed to improve the nation’s energy situation on many levels.

“These are very serious issues and we have the technology and the minds to achieve these goals, yet just like Yucca Mountain, they sit there and rot. And it’s very, very unfortunate,” said Smith.

The committee also heard presentations on geothermal energy, available oil and gas resources on state and university lands, and the aftermath of 2008’s Hurricane Ike and the ice storms of 2009. The so-called “Ike and Ice Report” can be found on the web site of the Kentucky Public Service Commission at <http://www.psc.ky.gov>.

Governors’ Association and the Kauffman Foundations.

It was the Community Development Society’s “2009 Innovative Program Award” winner.

The institute has also earned a \$200,000 grant from the Appalachian Regional Commission. “There’s nothing else like this in the country,” Hustedde said.

# Lawmakers review state ag loan programs

by Rebecca Hanchett  
LRC Public Information

Kentucky farmers, especially those who need financial help developing or expanding their farming operations, have received millions of state tobacco settlement dollars through low-interest loans over the past six years, state lawmakers were told in November.

Funding to initiate the loan programs came from 2003 state Agricultural Development Fund dollars administered by the Kentucky Agricultural Finance Corporation. Governor’s Office of Agricultural Policy Executive Director Roger Thomas told the legislative Tobacco Settlement Agreement Fund Oversight Committee that KAFRC funding for the low-interest loans has grown from \$20 million to around \$36 million over the past few years.

“This fund, available to the KAFRC, is a fund that we hope will last beyond the ADF and will be available for Kentucky agriculture as we move forward into the future,” Thomas told the committee.

KAFRC Financial Services Director Bill McCloskey told lawmakers that nearly 300 loans costing \$35.8 million have been approved through KAFRC to date. The loans are provided through five programs, including the Beginning Farmer Loan Program which helps farmers establish, expand or buy into farm operations.

GOAP Senior Policy Analyst Tim Hughes said the program has made 55 loans totaling \$5.4 million to date for such operations as grain farming, pig farming and marketing trees.

“That is our priority at the KAFRC as far as loan programs—helping farmers expand their farming operations and in some cases, intergenerational transfer from one family to the next generation,” McCloskey said.

The other four loan programs offered through KAFRC include the Agricultural Infrastructure program, Coordinated Value Added Assistance program, Agricultural Processing program and Large Animal Veterinary program. The state has approved 224

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projects totaling around \$14 million through the infrastructure loan program, which the GOAP says pays for capital improvements on the farm.

About \$1.4 million has been spent on the Coordinated Value Added Assistance program, while \$12.2 million has been committed for seven projects through the Agricultural Processing program.

## Entrepreneurship, from page 1

in that area prompted the expansion of the program to tobacco dependent counties in south-central Kentucky in 2008.

The program has received national honors, including recognition as one of the “16 best entrepreneurial programs in the country,” by the U.S. Small Business Administration Office of Advocacy, the National Lieutenant

# 2010 Session Calendar

## 2010 REGULAR SESSION CALENDAR

(Approved by LRC 9/2/09)

**JANUARY**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 (1)	6 (2)	7 (3)	8 *E.R. @ Parking required for pretrial House Films (4)	9
10	11 (5)	12 (6)	13 (7)	14 (8)	15 (9)	16
17	18 Martin Luther King, R Day  HOLIDAY	19 (10)	20 (11)	21 (12)	22 (13)	23
24/31	25 (14)	26 (15)	27 (16)	28 (17)	29 (18)	30

\*House Rule 49 states in part: "In the case of printed bills receiving a favorable opinion from the Interior Joint Committee to which they were assigned, printing by the clerk or the committee shall occur during the last week of the session, and these bills may be considered by the appropriate committee during the first three weeks of the session. No printing request shall be required for these printed bills."

**FEBRUARY**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 (19)	2 (20)	3 (21)	4 (22)	5 (23)	6
7	8 (24)	9 (25)	10 (26)	11 (27)	12 (28)	13
14	15 Presidents' Day HOLIDAY	16 (29)	17 (30)	18 (31)	19 (32)	20
21	22 Last Day for Bill Requests (33)	23 (34)	24 (35)	25 (36)	26 (37)	27
28						

( ) Denotes Legislative Day

**MARCH**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Last Day for New House Bills (38)	2 (39)	3 Last Day for New Senate Bills (40)	4 (41)	5 (42)	6
7	8 (43)	9 (44)	10 (45)	11 (46)	12 (47)	13
14	15 (48)	16 (49)	17 (50)	18 (51)	19 (52)	20
21	22 (53)	23 (54)	24 (55)	25 (56)	26 Concessions Only (57)	27
28	29 Concessions Only (58)	30 VETO	31 VETO			

**APRIL**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 VETO	2 VETO	3 VETO
4	5 VETO	6 VETO	7 VETO	8 VETO	9 VETO	10
11	12	13 SINE DIE (59)	14	15	16	17
18	19	20 (60)	21	22	23	24
25	26	27	28	29	30	





2009  
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# Committee Meetings

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### INTERIM JOINT COMMITTEE ON AGRICULTURE Minutes of the 6th Meeting of the 2009 Interim November 10, 2009

The 6th meeting of the Interim Joint Committee on Agriculture was held on Tuesday, November 10, 2009, at 1:00 PM, in Room 171 of the Capitol Annex. Senator David Givens, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator David Givens, Co-Chair; Representative Tom McKee, Co-Chair; Senators Ernie Harris, Bob Leeper (via video conference), Vernie McGaha, Joey Pendleton, Dorsey Ridley, Damon Thayer, and Ken Winters; Representatives Royce W. Adams, Johnny Bell, Dwight D. Butler, Mike Cherry, James R. Comer Jr., C. B. Embry Jr., Jeff Greer, Jimmy Higdon, Charlie Hoffman, Brad Montell, David Osborne, Sannie Overly, Don Pasley, Tom Riner, Steven Rudy, Dottie Sims, Kent Stevens, Wilson Stone, Tommy Turner, Ken Upchurch, and Susan Westrom.

Guests: Joel Neaveill, Chief of Staff, and Roger Thomas, Executive Director, Governor's Office of Agricultural Policy; Dr. Scott Smith, Dean, and Dr. Jimmy Henning, Associate Dean for Extension, University of Kentucky College of Agriculture; Steve Mason, Special Assistant to the President, Dr. James Chapman, Dr. Harold Benson, and Dr. Jim Tidwell, Kentucky State University; Mark Haney, President, Laura Knott, and John Hendricks, Kentucky Farm Bureau; Keith Rogers, 2009 Chairman of the Kentucky Agricultural Council; Dr. Wade Northington and Dr. Tony Brannon, Murray State University; and Craig Maffet, Dr. Bob Stout, Tom Bloemer, and Mac Stone, Kentucky Department of Agriculture (KDA).

LRC Staff: Biff Baker and Susan Spoonamore, Committee Assistant.

The minutes of September 9, 2009, and October 8, 2009, were approved, without objection, by voice vote, upon motion made by Rep. Don Pasley and seconded by Rep. Royce Adams.

Rep. Susan Westrom, Co-Chair of the Subcommittee on Horse Farming, reported that the subcommittee

heard discussion regarding walking horse soring issues, comments on current trends in the thoroughbred industry, and an update and progress report of the Kentucky Breeders Incentive Program.

Chairman Givens gave a brief report on the issues discussed at the Subcommittee on Rural Issues meeting. An update on problems faced by Kentucky dairy producers was presented by Maury Cox, Executive Director, Kentucky Dairy Development Council, and dairy producers Bill Crist and Bob Klingenfus.

The Subcommittee reports and the upcoming IJC on Agriculture full committee report were approved, without objection, by voice vote, upon motion made by Rep. C.B. Embry and seconded by Rep. Wilson Stone.

Craig Maffet, KDA, introduced Dr. Robert Stout, State Veterinarian, Tom Bloemer, Regulations and Inspection Division, and Mac Stone, Office of Agriculture Marketing and Product Promotion. Dr. Stout talked about the upcoming World Equestrian Games (WEG). He stated that the department has developed protocol to help minimize risk of disease. The department, along with USDA and others, has developed a risk management plan in anticipation of the importation of horses from over 60 countries. The department also has the responsibility for facility entry and biosecurity maintenance of horses at the Horse Park. Dr. Stout stated that the operating expenses for the WEG, outside of the State Veterinarian's operating budget, was estimated to be \$838,000, including a contingency fund of \$150,000 for responses to emergencies or disease outbreaks.

Mr. Stone talked about potential ginseng legislation. Ginseng dealers have agreed to a licensing fee structure. The fees would be used by the department to help administer the ginseng program and would be a one-time fee. Mr. Stone explained that part of the proposed legislation would also protect diggers.

Next, Mr. Stone reviewed the Executive Summary of the State Aquaculture Plan. The plan, which was developed by the Aquaculture Task Force, outlines the potential future

for Kentucky's aquaculture industry. He said that the industry, with the help of Kentucky State University and others, has established a solid foundation and is growing. One of the recommendations included in the Executive Summary is to expand the Aquatic Diagnostic Lab at KSU. He also presented an overview of the budgetary recommendations of the task force (a copy is in the LRC Library file).

Mr. Stone was asked whether any discussions were being held regarding local water municipalities agreeing to stock paddlefish. He responded that there is some reluctance on the part of municipalities because of concerns surrounding the effect that paddlefish might have on other species. The Kentucky Department of Fish and Wildlife Resources also shares that concern, as well as a concern over what would happen if paddlefish are introduced in open bodies of water. The task force plans to have quarterly meetings to work with U.S. Fish and Wildlife and have conversations with scientists, biologists, and others to see if they can move forward in resolving paddlefish issues.

Darrin Moore, Director for Administrative Services with the Kentucky Department of Fish and Wildlife Resources, stated that the department had been working with the KDA on the paddlefish issue. Mr. Moore stated that the use of public waters is the issue that is causing concern. Mr. Moore stated that it was his understanding that municipalities can enter into contracts if they choose.

When asked how much of the budget request for aquaculture infrastructure needs would be used for administrative costs, Mr. Stone replied that he did not envision any of the funds being used for administrative costs.

Next, Craig Maffet and Tom Bloemer, KDA, discussed proposed legislation that would amend the statutes that relate to tobacco warehouses. Mr. Bloemer stated that the statutes need to be updated to include receiving stations, to define packaging of tobacco, and to eliminate language that is out of date. It was brought up that there are still



some warehouse markets in Kentucky that are conducting traditional business and that the department should be careful when updating the statutes so there will not be any unintended consequences that would adversely affect those warehouses.

Mr. Maffet then discussed the role of the Regulations and Inspection Division, which regulates and monitors commerce goods that pass through a scale, a meter, or a scanner. Because of budgetary cuts, the division is operating on a reactionary basis and is no longer able to perform random checks on gas pumps and grocery scales, among other things. The department would like the General Assembly to consider legislation that would allow the department to charge fees to help finance the division. He said that the fees could be per meter, per scanner, or per scale, and would vary depending on the size and weight of the product.

Upon questioning, Mr. Maffet and Mr. Bloemer said that the department regulates anything that measures a barcode, a weight, or a volume liquid. It would be hard to estimate how many meters there are, but Mr. Bloemer stated that approximately 48,000 meters are inspected annually and that U.S. Census Bureau Economic data shows that there are over 165,000 businesses in the state with over 2 million commercial devices.

Mr. Maffet and Mr. Bloemer also commented that a lot of personnel have been cross-trained so that the department's services were more cost-efficient, but that some jobs were specialized. Responding to questions, they answered that inspectors were putting seals on gas pumps that had been inspected and that monies received from fines were going to the department.

Next on the agenda was Roger Thomas, Governor's Office of Agricultural Policy. He talked about the numerous agencies that had, at one time or another, received funds from the Agricultural Development Board. Mr. Thomas asked committee members to keep that in mind during the 2010 budget negotiations. He pointed out that over the years the Agricultural Development Fund has been used to pay debt service on millions of dollars of bonds, and that if nothing is changed the fund is projecting a \$3 million shortfall in fiscal year 2011, and a \$6 million shortfall in 2012.

Several legislators expressed

concern over appropriations from the Agricultural Development Fund being used to pay bond debts on infrastructure. Mr. Thomas agreed that a large part of the fund was being used to service water and sewer line bond debt, but there were other worthy agricultural programs being funded also. He said the Governor is committed to agriculture, and remains committed to the Agricultural Development Fund.

When asked about companies who fail to live up to the terms of their forgivable loan contracts, Mr. Thomas stated that in the past each forgivable loan required different terms, making it difficult to pursue in the legal system. The application process has since been streamlined to reduce those barriers. Mr. Thomas also commented that the predicted shortfall in the fund over the next two fiscal years included projected declines in Master Settlement Agreement revenues.

Dr. Scott Smith, Dean, and Dr. Jimmy Henning, Associate Dean for Extension, UK College of Agriculture, stated that the college had no legislative requests, but that aging facilities and operating expenses for off campus facilities is becoming a critical concern that will need to be addressed soon.

Dr. Smith and Dr. Henning also updated the members on the status of the 4-H camps project and the financial status of county extension programs. In addition, Dr. Smith stated that the final completion date of the Livestock Disease Diagnostic Center project is scheduled for the fall of 2010.

Upon questioning, Dr. Henning agreed to provide the committee members with a final breakdown of renovations approved for each 4-H camp.

Dr. James Chapman, Provost, Kentucky State University, stated that KSU was in the process of resurrecting the College of Agriculture for students interested in agriculture careers. The college will be known as the College of Agriculture, Food Science, and Sustainable Systems.

Dr. Harold Benson, Director of Land Grant Programs, KSU, stated that the new Center for Sustainability for Farms and Families should be completed by the spring of 2010. It is being constructed on the KSU Research Farm in Franklin County. He also discussed the new Center for Families and Children program.

Dr. Jim Tidwell, Director, Aquaculture Program, KSU, stated that the new Aquaculture Production Technology building is in the final design stage of construction. It will allow more high-tech research to be conducted regarding aquaculture. He explained that the building will also have an aquaculture genetics lab which will help to improve production and reproduction growth rates.

Mr. Mark Haney, President, John Hendricks, 1st Vice President, and Laura Knoth, Director of Public Affairs, Kentucky Farm Bureau, spoke next. Mr. Haney explained that after reviewing all the resolutions submitted from the county level, the issue that was most mentioned involved animal care. He said that Farm Bureau would be active in proposing ways to mitigate this issue. Mr. Haney also stated that Farm Bureau was very interested and supportive of a new diagnostic lab for the Breathitt Veterinary Center. He said it was also important to continue funding for many of the programs within the Kentucky Department of Agriculture. Mr. Haney said that Farm Bureau was interested in many other areas such as soil conservation, energy issues, environmental issues, and improving rural and secondary roads to move products from the farm to the market.

Mr. Keith Rogers, 2009 Chairman for the Kentucky Agricultural Council, presented a progress report entitled "A Pathway for Kentucky's Agriculture and Its Rural Communities: 2007 to 2012 Strategic Plan." When asked how organizations could become a part of the council, Mr. Rogers stated that the council was open to any agricultural entity that met the criteria of the council's by-laws.

Dr. Wade Northington, Director, Breathitt Veterinary Center, and Dr. Tony Brannon, Dean of the School of Agriculture, Murray State University, discussed the feasibility study for the construction of a new Breathitt Veterinary Center. Dr. Northington emphasized the urgent need for a new center and encouraged funding for the project. He explained that for the first time, the facility was in jeopardy of losing its accreditation. Because the facility is not able to provide the laboratory support that is required, it was given a one-year extension rather than a five-year accreditation. He also emphasized the importance of having a Biological Level 3 laboratory.

Several legislators agreed that a Biological Level 3 unit was critical to the safety of Kentuckians. They also agreed that the new diagnostic lab should not be built in a high-density populated area.

Chairman Givens then asked if there was any other business. Senator Pendleton briefly discussed BR 139, relating to industrial hemp.

There being no further business, the meeting was adjourned.

## **INTERIM JOINT COMMITTEE ON AGRICULTURE**

### **Subcommittee on Horse Farming Minutes of the 1st Meeting of the 2009 Interim November 10, 2009**

The 1st meeting of the Subcommittee on Horse Farming of the Interim Joint Committee on Agriculture was held on Tuesday, November 10, 2009, at 10:00 AM, in Room 129 of the Capitol Annex. Senator Damon Thayer, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Damon Thayer, Co-Chair; Representative Susan Westrom, Co-Chair; Senator Joey Pendleton; Representatives Royce W. Adams, Charlie Hoffman, Tom McKee, Brad Montell, Fred Nesler, David Osborne, Don Pasley.

Guests: Dr. Alan Dorton, Woodford Equine Hospital; Mr. Kenny Smith, Horse Industry Organization – Kentucky Walking Horse Association; Mr. Keith Dane, Humane Society of the United States; Mr. Edward Bonnie, Kentucky Horse Racing Commission; Professor Tim Capps, University of Louisville; Mr. Matt Koch, Kentucky Thoroughbred Farm Managers Club; Ms. Jamie Eads and Ms. Lisa Underwood, Kentucky Horse Racing Commission; Dr. Nancy Cox and Mr. Drew Graham, University of Kentucky, and Lisa Hite, National Walking Horse Association.

LRC Staff: Lowell Atchley and Kelly Blevins.

The presiding co-chair, Senator Thayer, called on the first of multiple speakers as a part of a general subcommittee discussion centering on the issue of Walking Horse "soring," or the deliberate injury of the horse's front feet to get the animal to accentuate its gait for show purposes.

Dr. Alan Dorton, a veterinarian with the Woodford Equine Hospital, who has worked with Walking Horses, and Mr. Kenny Smith, chair of the Horse Industry Organization of the Kentucky Walking Horse Asso-

ciation, addressed the subcommittee first. Dr. Dorton, leading the discussion, reviewed the issue.

In his remarks, Dr. Dorton told the legislative panel that inspections at Walking Horse shows are inconsistent, that inspectors have personal biases, thermograph equipment used during inspections to detect body heat has been found to produce questionable findings, equine veterinary specialist exams will differ from USDA veterinary medical officer (VMO) exams, and a number of violations are ultimately thrown out. Dr. Dorton told the subcommittee that the “vast majority of horses are in compliance” and “bad apples are spoiling the show experience for all involved.” Among a list of proposals, Dr. Dorton suggested having VMOs and designated qualified persons (DQP) inspect without prior knowledge of the owner, trainer, or horse, would make the inspection process more fair and unbiased.

Following their remarks, Representative Adams observed that biases on the part of VMOs and DQPs should begin with the selection process for those individuals. Mr. Smith responded that HIO inspectors are held to a standard. If they are found to vary from a protocol or if they get a show-related ticket, they are disqualified from inspecting.

Responding to Co-chair Westrom, who alluded to freeing the process from internal politics, Dr. Dorton said anonymous inspections would mark a good start, and an appeals process should be established involving multiple veterinarians.

Next, the subcommittee heard from Mr. Keith Dane, Director of Equine Protection for the Humane Society of the United States (HSUS). Ms. Pam Rogers, Director of the Kentucky branch of the HSUS, appeared with Mr. Dane at the witness table.

Mr. Dane told the subcommittee that soring exists throughout the nation, despite the federal Horse Protection Act of 1970. According to Mr. Dane, Kentucky is second only to Tennessee in the number of soring violations found. In his remarks, Mr. Dane called on legislation at the state level to assign criminal penalties for soring. He said the HSUS is encouraging Congress to appropriate more money to the USDA to enforce the HPA “because the majority of HIOs are not getting the job done.”

Commenting after the presentation, Senator Pendleton mentioned legislation that he sponsored in 2004

which carries penalties for intentionally tampering with or sabotaging livestock. The senator said that legislation has improved livestock shows.

Next, the chair called on the final speaker for the soring discussion, Mr. Edward “Ned” Bonnie, who headed up a Kentucky Horse Racing Commission (KHRC) rules committee that investigated the issue after the KHRC withheld \$375,000 in breeders’ incentive funds from the Kentucky Walking Horse Association because of the ongoing soring controversy. According to Mr. Bonnie’s testimony, the KHRC will allow the Walking Horse Association to once again receive breeders’ incentive funds provided that affiliated shows in Kentucky use one of three approved HIOs in their horse inspection process.

Co-chair Thayer commended Mr. Bonnie, the rules committee, and the KHRC for their work on the issue. He asked Mr. Bonnie to comment on Dr. Dorton’s earlier contention about “bad apples” and Mr. Dane’s assertion that soring is more widespread. According to Mr. Bonnie, people in various horse endeavors abuse the animals in their quest for financial gain and prestige.

Mr. Bonnie responded to Senator Thayer that the practice has not stopped since passage in 1970 of the HPA, but with a \$370,000 “carrot,” the conduct of soring can come to an end at Kentucky’s Walking Horse shows.

Mr. Bonnie responded to Co-chair Thayer and Representative Nesler that legislation may not be needed at this time. “Let’s try what we’re doing, what the Racing Commission has recommended, and if that doesn’t work, it will be explosive at the Legislature,” Mr. Bonnie told the subcommittee.

In responding to a question from Representative Adams, Mr. Bonnie noted that since the KHRC withheld the breeders’ incentive funds this year for 2008 events, \$700,000 will be available next year.

Co-chair Thayer passed the gavel to Co-chair Westrom for the remainder of the meeting. Co-chair Westrom then called Ms. Lisa Underwood, KHRC’s Executive Director, and Ms. Jamie Eads, KHRC Director of Incentives and Development, for a report on the Kentucky Breeders’ Incentive Program. Ms. Eads reviewed the report for the Thoroughbred, Standardbred, and non-race breeds. According to Ms. Eads’ remarks, decreases

in available funds are anticipated in all three funds this year. For example, she pointed out the subcommittee that 9,934 mares were registered for 2009, a 10 percent decline. Stud fees also are declining.

When Ms. Eads finished her report, she responded to a series of questions from Representative Montell about the criteria used to allot moneys to organizations in the non-race breed segment of the program. Representative Montell mentioned a constituent representing a breed organization that fell short of a 1,000-horse standard used, in part, in granting funds. The representative indicated that the 1,000-horse standard was not disclosed when the constituent first applied for funds for her breed group.

Asked why a breed organization that otherwise qualifies, but is disqualified because of the 1,000-horse rule, Ms. Eads declined to answer the representative’s question, citing on-going litigation related to matter. But, according to Representative Montell, small breed groups have an economic impact as well.

Senator Thayer, as sponsor of the original Breeders’ Incentive Program legislation, said that the program is an incentive fund, not a “charity.” According to Senator Thayer, the commission needs to have standards which it uses in granting the funds.

In subsequent remarks, Senator Thayer made some observations about the Thoroughbred portion of the Breeders’ Incentive Program. He suggested re-evaluating awards for certain types of races and races in foreign countries. The senator mentioned the possibility of cutting back on the \$100,000 bonus paid for Kentucky-born Kentucky Derby and Oaks winners. He suggested looking at some types of Thoroughbred owners who do not pay the tax which goes into the program, such as foal-sharing operations and other non-cash breeding partnerships. Since the program now has three years of history, the senator indicated it may be time to look at ways to redistribute funds in the program.

Before turning the next item on the agenda, Co-chair Westrom asked why the senator distributed to the subcommittee a chart showing the breeding connections and incentive fund earnings of a prominent Central Kentucky horseman. According to Co-chair Thayer, the horseman would not be in a top 10 list of incentive fund recipients as a single

breeder, but would be on such a list by virtue of participating in the multiple breeder partnerships.

Next, the co-chair called on two speakers to discuss current trends in the Thoroughbred industry, Mr. Tim Capps, Executive in Residence of the University of Louisville Equine Studies Program, and Mr. Matt Koch, President of the Kentucky Thoroughbred Farm Managers Club.

Mr. Capps discussed trends in Thoroughbred racing, breeding, and sales in the United States as a whole, then focused specifically on trends in Kentucky. Giving a “snapshot” of Kentucky, Mr. Capps made the following points: Kentucky produces 37 percent of registered Thoroughbred foals and the percentage is rising; Kentucky stallions generate 88 percent of stud fees in North America; the average stud fee in Kentucky (\$36,000) is twice the national average; more than 40 percent of active broodmares in North America reside in Kentucky; and over 75 percent of auction sales are generated in the state.

Mr. Capps responded to a series of questions from Representative Pasley about the growth of other states’ breeders’ incentive programs. Mr. Capps said there is no question that added revenue streams have allowed those states’ breeders’ incentive awards to grow. Responding to another question about the possibility of leading sires leaving the state, Mr. Capps indicated he did not think the top tier of Kentucky’s breeding industry is threatened; rather it is the lower end of the market, which actually makes up the bulk of the industry.

Next, Mr. Koch talked about the industry from the perspective of a younger businessman operating a small Thoroughbred boarding and breeding operation. He discussed the difficulty of making a profit in the current economy and noted the realities of moving some of his horses to other states for larger purses and higher breeder incentives.

Following his remarks, Mr. Koch responded to Co-chair Thayer’s question about over-production being an issue. Mr. Koch said the impact is being seen in the horses listed in Books 6 and 7 at the sales, the lower pedigree horses.

Co-chair Thayer commented that Kentucky is competing with states who have expanded gaming and that spread their breeders’ incentive funds over a smaller foal population.



He noted there are proposals to attempt to increase Kentucky's breeders' incentives to enable the state to compete with other states.

Responding to Co-chair Westrom, who asked about the future of the industry, Mr. Koch said the industry needs something in place for the sales in July and September of next year to give the industry some hope. He pointed out that smaller farms like his are folding. He told the subcommittee that his business relies on boarding, which is break-even, and earning commissions on foals for July and September sales. If the prices do not turn around soon, he said, "we're going to see a lot of closures."

Asked about the impact of expanded gaming on the industry, Mr. Capps responded that the evidence from other states, beginning with Iowa, is that those revenue streams are "awfully powerful." He told Co-chair Westrom that expanded gaming would preserve the year-round racing circuit in Kentucky, keep the tracks operating and even embellish them. He also said additional gaming revenues could help the breeder side of the business, particularly the lower end of the market.

Documents distributed during the subcommittee are available with meeting materials in the LRC Library. The meeting ended at approximately 12:30 p.m.

**INTERIM JOINT COMMITTEE  
ON APPROPRIATIONS AND  
REVENUE**  
**Budget Review Subcommittee on  
Economic Development and Tourism,  
Natural Resources and Environmental  
Protection**  
**Minutes of the 3rd Meeting  
of the 2009 Interim  
November 16, 2009**

The 3rd meeting of the Budget Review Subcommittee on Economic Development and Tourism, Natural Resources and Environmental Protection of the Interim Joint Committee on Appropriations and Revenue was held on Monday, November 16, 2009, at 10:30 AM, in Room 169 of the Capitol Annex. Senator Ernie Harris, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ernie Harris, Co-Chair; Representatives Tim Firkins, Dennis Horlander, Dennis Keene, Lonnie Napier, Ruth Ann Palumbo, Marie Rader, Fitz Steele, Jim Stewart III, and Susan Westrom.

Guests: Gerry Van der Meer,

Commissioner, Department of Parks; Larry Totten, Deputy Commissioner, Department of Parks; LaDonna Miller, Director of Marketing and Sales, Marcheta Sparrow, Secretary, Tourism, Arts and Heritage Cabinet and Matt Osborne, Executive Director, Office of Governmental Relations Tourism Arts and Heritage Cabinet.

LRC Staff: Kelly Dudley, Melissa Hagan, Perry Papka and Christina Williams.

Chairman Harris welcomed the members and guests to the meeting and thanked all who were in attendance. Because a quorum was present, Chairman Harris approved the minutes from the June 4, 2009 and October 22, 2009 meetings.

Secretary Sparrow introduced herself and the staff of the Department of Parks to the committee and gave a brief overview of the Department. Commissioner Van der Meer elaborated on current happenings within the Department of Parks. Director Miller utilized a PowerPoint presentation to give a marketing update of the Department.

Representative Keene commended the Department on what a great and thorough job they have done marketing all of the Kentucky Parks. He asked if the money amount shown in the presentation of \$304,760 that was generated from the \$50 a room nights at the parks, only included room fare or if it included money spent on meals and gas in the area. Director Miller stated the figure given only included the money generated from room fare. Representative Keene stated he believed that dollar amount may have doubled because of other purchases guests might have made while in the area.

Representative Keene also asked if the Department does any promotion for tourism around the Ohio River area. Director Miller stated the Department does promote around that area. Representative Keene stated he would like to see the promotional materials used for the area.

Representative Keene stated that he loved the Passport program and asked if there was a way to track how many dollars are spent in certain places, such as the Marriott, for a loyalty type of program. Director Miller stated the Department is currently looking into that; however it involves an expense to create a loyalty program and installing software to correctly keep track of the program. Director Miller stated she hopes to see a loyalty program utilized in the

future.

Representative Napier commended the Department for a great promotional presentation. He further stated that his district in Garrard County has used Youtube as a successful promotional outlet and encouraged the Department to consider that idea.

Representative Napier stated that in his opinion, Tourism and Economic Development should never be cut in funding because it gives Kentucky a positive image and it is one of the best things that can be done to benefit Kentucky. Representative Napier also stated that he would like to receive information on how to turn the Governor Owsley home in his district into a state owned site.

Representative Horlander also commented on the great job done by the Department on the presentation and their marketing strategies. He asked if a poster program had been set in place, whereas beautiful or famous spots in Kentucky could be made into nice posters people may frame and hang up in their offices or homes. He stated this would be a great form of advertising and revenue would also be generated from selling the posters.

Representative Westrom complimented the Department on a recent Halloween experience she had at Fort Boonesborough. She commended the Department on keeping the Parks industry alive. Representative Westrom asked what length of time the spaces at the Parks are rented out for and if there was a minimum or maximum amount of days. Director Miller stated that the minimum is 3 or 4 days and the maximum is 14 days for the specific Fort Boonesborough Halloween event.

Representative Rader stated that she appreciates the Parks and would share State Park staying experiences and rates in her Holiday press release.

Representative Stewart stated that he has a constituent who would like to play one hole of golf at each state Park and have his score recorded and have tourists follow suit. He stated he believed this program would be good for the parks to have competition among golfers to see who has the best score after one hole of golf at each Park has been played. The constituent stated he would like to play for a weekend stay at any lodge of his choice, or free food or a similar reward for whoever won the competition. Representative Stewart

stated scores would be kept on the internet for all to keep track of.

Chairman Harris stated he was incredibly impressed with the promotion and marketing plan of the Department of Parks. The audience and committee applauded the approach. He further stated some of the State Parks have some of the best buffets around.

Representative Steele thanked Secretary Sparrow and Commissioner Van der Meer for being first responders in situations when it has been warranted.

Representative Napier stated that one equation for success is when leadership in communities is on the same page as the Cabinet. He also encouraged the Cabinet to continue to incorporate all forms of art in Kentucky's tourism, such as bronze statues etc. Representative Napier stated a bronze statue of Carrie Nation, who is from his district, has become a topic of conversation in his hometown. He stated that tourists like to drive around and take pictures with statues and he encourages the Department to continue to consider these types of tourist attractions.

Deputy Commissioner Larry Totten then utilized a PowerPoint presentation to update the committee on Financial Results of the Department of Parks.

Senator Harris asked how the purchase of Kentucky Proud products from local producers to distribute throughout the parks is progressing. Mr. Totten stated that the information concerning Kentucky Proud products is tracked every year and he will send the information to the committee when he receives it. Senator Harris stated there was no need for follow-up, he was just curious.

Senator Harris thanked everyone for attending the meeting and again commended the Department and Secretary Sparrow on a job well done. Senator Harris adjourned the meeting at 11:50 P.M.

**INTERIM JOINT COMMITTEE  
ON APPROPRIATIONS AND  
REVENUE**  
**Budget Review Subcommittee on  
Postsecondary Education**  
**Minutes of the 4th Meeting  
of the 2009 Interim  
November 16, 2009**

The 4th meeting of the Budget Review Subcommittee on Postsecondary Education of the Interim Joint Committee on Appropriations and Revenue was held on Monday, November 16, 2009, at 10:00 AM,



in Room 154 of the Capitol Annex. Senator Vernie McGaha, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Vernie McGaha, Co-Chair; Representative Arnold Simpson, Co-Chair; Senator Tim Shaughnessy; Representatives Jim DeCesare, Kelly Flood, Reginald Meeks, Harry Moberly Jr., Jody Richards, and Carl Rollins II.

Guests: Dr. Terry Holliday, Commissioner, Kentucky Department of Education, Hiren Desai, Associate Commissioner, Kentucky Department of Education (KDE), Robert L. King, President, Council on Postsecondary Education (CPE), and Wayne Andrews, President, Morehead State University.

LRC Staff: Debra Gabbard, Tom Willis, Greg Rush, Jonathan Lowe, Tracy Goff Herman, Linda Jacobs Ellis, and Amie Elam.

Chairman McGaha began the meeting by welcoming Dr. Terry Holliday, Commissioner, Kentucky Department of Education (KDE) and Robert L. King, President, Council on Postsecondary Education.

Commissioner Holliday gave a presentation on the KDE biennial budget recommendations (2010-2012).

Representative Miller asked if all schools were up to par on the MUNIS financial software. Commissioner Holliday answered that 95% of districts were on the same page with regard to MUNIS. He stressed the importance of all districts entering valid reliable data the same way. He noted that the National Chamber of Commerce gave Kentucky a B on the state finance system, a report where not many states scored well. Commissioner Holliday stated that the only district that did not have MUNIS fully deployed was Jefferson County.

Representative DeCesare asked for a grand total for the KDE budget request. Associate Commissioner Desai answered that the grand total is \$4.3 billion.

Representative Thompson asked if there were any salary increases included in the SEEK budget increases. Commissioner Holliday stated that KDE included in the budget the statutorily mandated 5% salary increase.

Chairman McGaha asked how much the 5% was of the total budget. Associate Commissioner Desai answered that the SEEK base funding goes up \$94 million in 2011. The 5%

retirement match is \$16 million. The local district life insurance in 2011 goes up by \$18 million and the local district health insurance goes up by \$64 million.

Representative Moberly asked if the 5% increase in SEEK would cover the 5% salary increase. Commissioner Holliday answered yes. Representative Moberly asked how assessment and accountability worked with the existing base funding. Commissioner Holliday answered that KDE looked at what Senate Bill 1 required and what dollars were available. These additional dollars are needed to allow KDE to move toward the testing that Senate Bill 1 requires. KDE has expressed to the Senate Bill 1 Steering Committee that they are confident in becoming a part of a consortium of states to receive funding from the United States Secretary of Education's \$350 million. Associate Commissioner Desai stated that the total requested for assessment and accountability in 2011 is \$13.3 million and \$15 million for 2012 in terms of what is needed for Senate Bill 1. Representative Moberly asked if the Commissioner hoped to get some of this increase in funds from the federal government. Commissioner Holliday answered yes but said that KDE will not be able to apply for those funds until June 2010. Representative Moberly asked what KDE's top priority regarding new funding. Commissioner Holliday answered that maintaining SEEK, restoring Flex Focus dollars, and Senate Bill 1 mandates.

Chairman McGaha asked for the funding request for assessment and accountability and professional development. Associate Commissioner Desai answered that the total would be \$7 million for 2011 and \$9 million for 2012. Commissioner Holliday said KDE would request funds to cover these initiatives in the Race to the Top application.

Chairman McGaha asked how much districts were paying for virtual campus software. Associate Commissioner Desai answered that operating costs for Kentucky State Information System are \$5.5 million dollars. \$4 million is paid by the districts. The cost is \$3.41 per student statewide. Commissioner McGaha asked what was meant by grants, programs, and services on page three of the KDE PowerPoint. Commissioner Holliday answered that this money would be used for math centers, dropout grants, CCLD, Read to Achieve, and

other programs.

Robert L. King, President, Council on Postsecondary Education, gave a presentation on CPE biennial budget recommendations (2010-2012).

Senator Shaughnessy addressed his belief that there is a disconnect between what CPE is advocating internally and the perception of the General Assembly. He stated that in the late 90s a vote was taken to remove the community college system from the University of Kentucky (UK) in hopes to elevate them to a top 20 research institution. UK is currently out of research space. He stated if the University of Kentucky is not provided new research space then they will become stagnant and in today's competitive environment stagnant means falling behind. He strongly encouraged CPE to rethink how they prioritized the budget request. Senator Shaughnessy also stated that he was concerned about the Jefferson Community and Technical College facility that has been closed by the State Fire Marshall for over three years and how it did not make the list that CPE provided. He asked what President King meant about changes to the University of Louisville hospital contract. President King answered that it was not necessarily a change but rather an annual obligation to increase the dollar amount requested. Senator Shaughnessy added that he expects the number one priority should be to graduate students. President King said that the "Capitol List" was not structured to prioritize one project over another.

Chairman McGaha said that he agrees with Senator Shaughnessy that the number one priority needs to be to have students graduate within four years.

Representative Stevens commented that the idea of Senate Bill 1 is to align the process from pre-school to postsecondary so that any student will be prepared to be successful. He asked what is being done to prepare and graduate students on time and what has been done in the past. President King stated that each of the campuses is focusing on increasing the number of students to graduate. Kentucky campuses are increasingly focused on supporting students from admission to graduation. He stated that students who never previously thought that college was in their future are now attending college. Data shows that 45% of students need remediation in at least

one course of study, 33% need remediation in two or more. Colleges are now accepting students that have more challenges than in the past. An increasing number of students are coming to the universities with significant financial needs. There are a large number of students who start and then stop to go to work for a year before returning to college, making the idea of a four year graduation rate harder to achieve. With the implementation of Senate Bill 1, a lot of the remediation efforts that now take place on college campuses will take place in the K-12 system. President Andrews discussed how the university presidents are absolutely committed to higher education in Kentucky. He stated that starting in the fall of 2011, the number of hours to graduate will go from 128 to 120 to help with the four year graduation goal. There are significant services being provided to students. He stated that retention and graduation is the focus and number one priority for every president on every campus throughout the Commonwealth.

Senator McGaha stated that he is glad to hear that services for students are expanding. He compared the more diverse group of students on college campuses recently to public schools where there are no ACT tests to judge a student by. He said it is important for colleges to serve any student willing to pay the tuition fee to learn. President Andrews mentioned that in 40 communities across the Commonwealth a program called Kentucky Ahead is being implemented, it is designed to work with middle school students to show them that college is a real opportunity. It is important that students know that value needs to be placed on education and that there are resources available to ensure they get the education they need. He stated that currently students are coming to college campuses with very poor math skills. Morehead State University received a grant through the National Science Foundation where developmental math teachers are being deployed into the public school system to instruct K-12 teachers teaching developmental algebra in the high schools. They are also working with the teachers to improve their ability to teach and prepare students. There has been a 78% success rate with this program.

Senator McGaha asked for an update on progress with transfers. Dr. King answered that the higher

education workgroup just completed a set of recommendations that CPE will implement. He stated that he is hopeful that within two years the transfer system will be fully fixed.

Representative Moberly stated that he believes that the higher education budget is very realistic and is encouraged by that.

Representative Stevens explained that his background was in public education and that they were to serve and provide for every student that walked through the door. He stated that his hope is that students will not have to pay for courses that they do not receive credit for. He would like CPE to explore ideas and work on the remediation program. President King said that addressing this is part of CPE's strategic plan.

Chairman McGaha congratulated President King on being able to get all the university president's signatures on the points of consensus documents. He also thanked him for his work with Commissioner Holliday on the Senate Bill I endeavor.

The minutes from the October 22, 2009 meeting were approved. There being no further discussion, the meeting was adjourned at approximately 12:03 P.M.

## **INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE**

### **Budget Review Subcommittee on Primary and Secondary Education Minutes of the 4th Meeting of the 2009 Interim November 16, 2009**

The 4th meeting of the Budget Review Subcommittee on Primary and Secondary Education of the Interim Joint Committee on Appropriations and Revenue was held on Monday, November 16, 2009, at 10:00 AM, in Room 154 of the Capitol Annex. Senator Vernie McGaha, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Vernie McGaha, Co-Chair; Representative Tommy Thompson, Co-Chair; Senator Tim Shaughnessy; Representatives Will Coursey, Ted Edmonds, Charles Miller, Carl Rollins II, and Kent Stevens.

Guests: Dr. Terry Holliday, Commissioner, Kentucky Department of Education, Hiren Desai, Associate Commissioner, Kentucky Department of Education (KDE), Robert L. King, President, Council on Postsecondary Education (CPE), and Wayne Andrews, President, Morehead State

University.

LRC Staff: Debra Gabbard, Tom Willis, Greg Rush, Jonathan Lowe, Tracy Goff Herman, Linda Jacobs Ellis, and Amie Elam.

Chairman McGaha began the meeting by welcoming Dr. Terry Holliday, Commissioner, Kentucky Department of Education (KDE) and Robert L. King, President, Council on Postsecondary Education.

Commissioner Holliday gave a presentation on the KDE biennial budget recommendations (2010-2012).

Representative Miller asked if all schools were up to par on the MUNIS financial software. Commissioner Holliday answered that 95% of districts were on the same page with regard to MUNIS. He stressed the importance of all districts entering valid reliable data the same way. He noted that the National Chamber of Commerce gave Kentucky a B on the state finance system, a report where not many states scored well. Commissioner Holliday stated that the only district that did not have MUNIS fully deployed was Jefferson County.

Representative DeCesare asked for a grand total for the KDE budget request. Associate Commissioner Desai answered that the grand total is \$4.3 billion.

Representative Thompson asked if there were any salary increases included in the SEEK budget increases. Commissioner Holliday stated that KDE included in the budget the statutorily mandated 5% salary increase.

Chairman McGaha asked how much the 5% was of the total budget. Associate Commissioner Desai answered that the SEEK base funding goes up \$94 million in 2011. The 5% retirement match is \$16 million. The local district life insurance in 2011 goes up by \$18 million and the local district health insurance goes up by \$64 million.

Representative Moberly asked if the 5% increase in SEEK would cover the 5% salary increase. Commissioner Holliday answered yes. Representative Moberly asked how assessment and accountability worked with the existing base funding. Commissioner Holliday answered that KDE looked at what Senate Bill I required and what dollars were available. These additional dollars are needed to allow KDE to move toward the testing that Senate Bill I requires. KDE has expressed to the Senate Bill I Steer-

ing Committee that they are confident in becoming a part of a consortium of states to receive funding from the United States Secretary of Education's \$350 million. Associate Commissioner Desai stated that the total requested for assessment and accountability in 2011 is \$13.3 million and \$15 million for 2012 in terms of what is needed for Senate Bill I. Representative Moberly asked if the Commissioner hoped to get some of this increase in funds from the federal government. Commissioner Holliday answered yes but said that KDE will not be able to apply for those funds until June 2010. Representative Moberly asked what KDE's top priority regarding new funding. Commissioner Holliday answered that maintaining SEEK, restoring Flex Focus dollars, and Senate Bill I mandates.

Chairman McGaha asked for the funding request for assessment and accountability and professional development. Associate Commissioner Desai answered that the total would be \$7 million for 2011 and \$9 million for 2012. Commissioner Holliday said KDE would request funds to cover these initiatives in the Race to the Top application.

Chairman McGaha asked how much districts were paying for virtual campus software. Associate Commissioner Desai answered that operating costs for Kentucky State Information System are \$5.5 million dollars. \$4 million is paid by the districts. The cost is \$3.41 per student statewide. Commissioner McGaha asked what was meant by grants, programs, and services on page three of the KDE PowerPoint. Commissioner Holliday answered that this money would be used for math centers, dropout grants, CCLD, Read to Achieve, and other programs.

Robert L. King, President, Council on Postsecondary Education, gave a presentation on CPE biennial budget recommendations (2010-2012).

Senator Shaughnessy addressed his belief that there is a disconnect between what CPE is advocating internally and the perception of the General Assembly. He stated that in the late 90s a vote was taken to remove the community college system from the University of Kentucky (UK) in hopes to elevate them to a top 20 research institution. UK is currently out of research space. He stated if the University of Kentucky is not provided new research space then they will become stagnant and

in today's competitive environment stagnant means falling behind. He strongly encouraged CPE to rethink how they prioritized the budget request. Senator Shaughnessy also stated that he was concerned about the Jefferson Community and Technical College facility that has been closed by the State Fire Marshall for over three years and how it did not make the list that CPE provided. He asked what President King meant about changes to the University of Louisville hospital contract. President King answered that it was not necessarily a change but rather an annual obligation to increase the dollar amount requested. Senator Shaughnessy added that he expects the number one priority should be to graduate students. President King said that the "Capitol List" was not structured to prioritize one project over another.

Chairman McGaha said that he agrees with Senator Shaughnessy that the number one priority needs to be to have students graduate within four years.

Representative Stevens commented that the idea of Senate Bill I is to align the process from preschool to postsecondary so that any student will be prepared to be successful. He asked what is being done to prepare and graduate students on time and what has been done in the past. President King stated that each of the campuses is focusing on increasing the number of students to graduate. Kentucky campuses are increasingly focused on supporting students from admission to graduation. He stated that students who never previously thought that college was in their future are now attending college. Data shows that 45% of students need remediation in at least one course of study, 33% need remediation in two or more. Colleges are now accepting students that have more challenges than in the past. An increasing number of students are coming to the universities with significant financial needs. There are a large number of students who start and then stop to go to work for a year before returning to college, making the idea of a four year graduation rate harder to achieve. With the implementation of Senate Bill I, a lot of the remediation efforts that now take place on college campuses will take place in the K-12 system. President Andrews discussed how the university presidents are absolutely committed to higher education



in Kentucky. He stated that starting in the fall of 2011, the number of hours to graduate will go from 128 to 120 to help with the four year graduation goal. There are significant services being provided to students. He stated that retention and graduation is the focus and number one priority for every president on every campus throughout the Commonwealth.

Senator McGaha stated that he is glad to hear that services for students are expanding. He compared the more diverse group of students on college campuses recently to public schools where there are no ACT tests to judge a student by. He said it is important for colleges to serve any student willing to pay the tuition fee to learn. President Andrews mentioned that in 40 communities across the Commonwealth a program called Kentucky Ahead is being implemented, it is designed to work with middle school students to show them that college is a real opportunity. It is important that students know that value needs to be placed on education and that there are resources available to ensure they get the education they need. He stated that currently students are coming to college campuses with very poor math skills. Morehead State University received a grant through the National Science Foundation where developmental math teachers are being deployed into the public school system to instruct K-12 teachers teaching developmental algebra in the high schools. They are also working with the teachers to improve their ability to teach and prepare students. There has been a 78% success rate with this program.

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Representative Stevens explained that his background was in public education and that they were to serve and provide for every student that walked through the door. He stated that his hope is that students will not have to pay for courses that they do not receive credit for. He would like CPE to explore ideas and work on the remediation program.

President King said that addressing this is part of CPE's strategic plan.

Chairman McGaha congratulated President King on being able to get all the university president's signatures on the points of consensus documents. He also thanked him for his work with Commissioner Holliday on the Senate Bill I endeavor.

The minutes from the October 22, 2009 meeting were approved. There being no further discussion, the meeting was adjourned at approximately 12:03 P.M.

## **INTERIM JOINT COMMITTEE ON EDUCATION**

### **Minutes of the 6th Meeting of the 2009 Interim November 9, 2009**

The sixth meeting of the Interim Joint Committee on Education was held on Monday, November 9, 2009, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Carl Rollins II, Co-Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ken Winters, Co-Chair; Representative Carl Rollins II, Co-Chair; Senators Walter Blevins Jr., David Givens, Alice Forgry Kerr, Vernie McGaha, Gerald A. Neal, R.J. Palmer II, Tim Shaughnessy, Elizabeth Tori, Johnny Ray Turner, and Jack Westwood; Representatives Linda Belcher, John "Bam" Carney, Hubert Collins, Leslie Combs, Jim DeCesare, Ted Edmonds, C. B. Embry Jr., Bill Farmer, Kelly Flood, Jim Glenn, Derrick Graham, Jeff Greer, Reginald Meeks, Charles Miller, Harry Moberly Jr., Marie Rader, Jody Richards, Tom Riner, Charles Siler, Dottie Sims, Kent Stevens, Wilson Stone, Alecia Webb-Edgington, and Addia Wuchner.

Guests: Randy Poe, Superintendent; Karen Cheser, Assistant Superintendent, Boone County Schools; Cindy Baumert, Dyslexia Solutions; Tamela Biggs, Kentucky Teacher Retirement System; Bill Weinberg, former legislator; Sheri McNew, University of Kentucky; Brenda Embry, Doris Cubley, Shari Coleman, Dyslexia; April Roberts Traywick, Prichard Committee; Katie Bentley, PIKE; Brigid DeVries, Commissioner, Julian Tackett, Assistant Commissioner, Kentucky High School Athletic Association; Peter Bowles, M.D., Kentucky Medical Association; Michael Daley, Director, Division of Educator Quality & Equity, Kentucky Department of Education; Lois Weinberg, Board Member, Hindman Settlement School; Misty Lay, School Psycholo-

gist, Bullitt County Schools; Phyllis Sparks, Kentucky International Dyslexia Association; Wayne Young, Kentucky Association of School Administrators; Clyde Caudill, Kentucky Association of School Administrators and Jefferson County Public Schools; and Kevin Noland, University of Louisville.

Legislative Guest: John Will Stacy, House Majority Whip

LRC Staff: Audrey Carr, Sandy Deaton, Janet Stevens, Ken Warlick, and Lisa Moore.

Representative Rollins asked for a motion to approve the minutes of the October 12, 2009, meeting. Representative Stone made the motion to approve the minutes and Representative Carney seconded the motion. The motion was approved by voice vote.

Representative Rollins acknowledged Representative Graham to introduce his guests. Representative Graham introduced Ms. Jocelyne Waddle, advanced placement (AP) teacher in French, English, Spanish, and a group of her students from Frankfort High School. He said that each student had participated in state and national competitions in French and Spanish and that Frankfort High School was the only Kentucky school to reach proficiency in reading, writing, understanding, and speaking a foreign language. Ms. Waddle made some brief introductions and comments about the students and her classes.

Representative Rollins asked Senator McGaha to give a brief report from the Subcommittee on Elementary and Secondary Education. Senator McGaha said the Subcommittee on Elementary and Secondary Education met and heard a discussion related to the AdvanceKY program. Ms. Joanne Lang, the program's Executive Director, provided a brief overview, explaining that the program is a math-science initiative that operates in partnership with the National Math and Science Initiative (NMSI), the Kentucky Department of Education (KDE), and the Kentucky Science and Technology Corporation. He said the 2009 national Advanced Placement (AP) test results confirm that the scores of the students involved in the AdvanceKY program increased. The initial 12 Kentucky high schools involved in the program resulted in 768 students earning passing scores on the math, science and English exams, which is an increase of 76.6 percent above the previous year and well

above the state rate of 17.5 percent and the national rate of 5.7 percent. He said this means that the schools participating in the AdvanceKY program performed at 13 times the national rate. The AP classes within these 12 schools accounted for nearly one-half of the new passing scores earned by Kentucky low-income students and more than one-half of Kentucky's new passing scores in AP math and science earned by females. The program has expanded to include 16 new high schools for the current school year, bringing the total number of high schools involved to 28. He concluded that several AP classroom teachers explained how the AdvanceKY program has impacted their teaching and the effect that it has had on their students. The program operates with an "open enrollment" policy, which requires extra time and effort on the part of the teachers. The teachers indicated that the scores being made by their students far outweigh the extra work they are doing.

Representative Rollins asked Senator Kerr to give a brief report on the Subcommittee on Postsecondary Education. She said the Subcommittee on Postsecondary Education heard updates on the Kentucky Adult Education (KYAE) and the Kentucky Adult Learner Initiative by representatives from the Council on Postsecondary Education (CPE) and Morehead State University. She said services provided by the KYAE include the following: basic literacy skills; GED preparation; English as a Second Language (ESL); family literacy; workforce education; transition to postsecondary education; and corrections education. She noted 25.78 percent of Kentucky's population 18 and older have less than a high school diploma or GED credential compared to 20.33 percent nationally. The 2008 academic enrollment in adult education in Kentucky was 40,235 with 9,382 earning GED's. She said of the 2005-2006 Kentucky GED graduates, 1,919 enrolled in college by 2007-2008. Members were provided reports on GED performance by county and contact information for adult education program directors. Members received information on barriers that adult learners perceive relative to returning to college. They were managing time between family and classes, managing time between work and classes, and financing their college education. Adult learners are interested in college services that of-

fer credit for prior learning, programs on an accelerated schedule, and financial aid. She said the presenters offered extensive recommendations on how these issues might be addressed. Lastly, Morehead State University presented its adult learner plan designed to increase faculty and staff understanding of adult learners, awareness of adult student support services including online and regional campus information, and life and career planning activities.

Representative Rollins asked Representative Wuchner to introduce the presenters from Boone County. She introduced Mr. Randy Poe, Superintendent, and Ms. Karen Cheser, Assistant Superintendent for Learning Support Services, Boone County Schools, to give their presentation on Response to Intervention (RTI). After Mr. Poe made some introductory comments, Ms. Cheser showed the members a Power Point presentation and gave some background information on why Boone County implemented RTI. She said goals of the initiative included by May 2010, every child will complete grade two reading at a level of 2.8 or higher. She said beginning in June 2007, the district provided classroom teachers with the training, tools, and support needed to make every child a successful reader. She said early, focused intervention with continuous progress monitoring will occur for the identified at-risk students to assure that deficits are being appropriately addressed.

Ms. Cheser said that RTI is a sequenced program of instruction and tiered interventions aimed at keeping students in the regular instructional program while addressing their skill deficits and needs. RTI is not a part of special education or something new thought up by the district office to keep tabs on teachers. She said RTI does include high quality, scientifically-based instruction, and intervention matched to student need. It provides frequent monitoring of student progress, using data to make instructional decisions. She also said RTI is a continuous decision making process that uses data to screen, determine needs, and apply interventions. The benefits of RTI include: students show improvement at all levels; students receive interventions before they fail; teachers find optimal instructional interventions for effective results; services and support are needs-based, it is a coherent, flexible system; and decisions are made

based on data.

Ms. Cheser said Boone County began RTI on a limited basis in 2007-2008 in three elementary schools (K-2). In 2008-2009, the program was piloted in 12 elementary schools (K-3). She said fourth and fifth grade were added in all 12 elementary schools in 2009-2010, as well as second and third grade RTI math, and RTI math in two middle schools. She said Boone County wanted to ensure the program was working before implementing it district wide.

Ms. Cheser described the steps in the RTI process. The first step is to select a data collection system. She said Boone County used the system AIMSweb. The important thing is there is a systematic way to collect the data. The second step is to conduct a universal screening, which Boone County assessed all students in grades K-2. She said some assessments are conducted in whole group and some are one-on-one. The total time for the assessment is 5 to 7 minutes per child. The third step is to enter and analyze data. She said Boone County teachers enter the data in the AIMSweb program. She said the bottom 20 percent of the students are targeted who were not already identified as students with disabilities. The fourth step is to determine needs and identify the students to be included in RTI, or the students scoring in the bottom 20 percent. She said they determine each student's specific reading gaps and needs based on the universal screening and set goals for being on grade level by the end of the year. The software will set the goals automatically. The fifth step is to provide interventions and Boone County begins specific, targeted interventions at the Tier I level. She said the interventions are provided within the classroom and students are not pulled out. All interventions must be scientifically research-based. She showed a pyramid of sample interventions at the three Tier levels. The list is available in the meeting folder located in the Legislative Research Commission (LRC) library. The sixth step is to monitor and document progress. The teachers use one minute probes, enter data, and share the data with students. The seventh step is to review progress. She said Boone County holds an advisory team meeting (ATM) every six to eight weeks to review data and student progress. The advisory team consists of the principal, grade level teachers, consultant, and any staff

member who is involved with interventions and/or has input concerning the children who are placed into the program. She noted the purpose of the ATM is to provide team-based professional assistance to assure that children are reading on grade level by the time they complete the school year; to find areas of weakness and create a team-based, research-based decision on how to proceed; and to continue monitoring this progress and making changes that best meet the needs of the children involved. Ms. Cheser said the final step is to make decisions on next steps for each targeted student. She said it is determined if students are to continue current interventions, tweak current interventions, add an intervention, move the student to Tier 2 with appropriate interventions, and continue the process as appropriate.

Ms. Cheser discussed the results of the 12 pilot elementary schools participating in RTI. She said approximately 275 students were identified in the bottom 20 percent from all the schools and only 22 of those students had to move into Tier 3 instruction. She said targeting their skill deficit area and applying research-based interventions was successful. She said the program dramatically decreased the referrals for special education and allowed the students' needs to be met in the regular instructional program. She said teachers found that the strategy of pinpointing specific student deficits was also successful with the students in the Extended School Services (ESS) program. She said the bottom line is that teachers need to adjust the way they teach to adapt to how children learn.

Mr. Poe discussed what Boone County learned from the pilot of the RTI. He said the principal must take the lead and hold firm; he or she must monitor implementation of interventions and be a key member of the ATM process. He said teachers are very apprehensive at the beginning of the process, but are key to making the process work. He said input is required from multiple sources and must be used in making decisions on a student's placement. Also, additional factors, such as behavior, attendance, and visual perception issues, must be addressed for many students in order to impact reading achievement.

Mr. Poe concluded that Boone County is planning to expand RTI reading to the fourth and fifth grade levels. He said they also plan to ex-

pand the math area of the program.

Senator Westwood asked if Boone County collaborated with the Collaborative Center for Literacy Development to ensure the reading models were scientifically-based and effective. Ms. Cheser said they had not worked with the Collaborative Center for Literacy Development specifically in reading, but have utilized their writing resources and have found them crucial to their work. She said the Collaborative Center for Literacy Development has been instrumental in working with the adolescent literacy program and helping the tiering of interventions at the middle and high school level. Senator Westwood said some students also need assistance with reading to learn. He asked Ms. Cheser if every teacher in the school district is basically a reading teacher under this system and how are they prepared for this. Ms. Cheser said every teacher is a reading teacher and has received training and on-going support. She said Boone County also holds professional development academies, which is paid for through Title I funds, and allows teachers to come after school and learn skills to help students who are struggling. She said this is one way to get the reading and critical thinking skills to the secondary and elementary teachers. Mr. Poe said the culture is changing in Boone County so that every teacher is a literacy teacher. He said many teachers at the secondary level have never taken a course in reading and that is why the professional development academies are focusing on this area. Senator Westwood said Boone County's efforts are paying off and he is pleased with the results.

Representative Carney said it is essential for parents to receive information pertaining to their children. He asked if the parents are being informed through the classroom teachers. Ms. Cheser said parents are being informed throughout the entire process and are invited to meet with the teachers on a regular basis. She said the teachers help parents with activities they can do at home to help their child.

Senator Neal is very impressed with the program at Boone County, but asked if time and resources are a potential problem with the time allocation of the program. Mr. Poe said part of the process has included Boone County redefining its priorities as a school system during the past three years. He said they worked



with councils on readjusting the schedules during the pilot to allow for the ATM's to meet in the middle of the day. He said there is a negative in the fact that there is some restructuring of time, but the benefits of the children succeeding far outweigh the difficulties. The teachers are investing extra time, but have said the process has made them better teachers. Ms. Cheser said principals have been very creative in allotting time during the school day for the students needing interventions without having to use extra time or resources.

Representative Wuchner said she was so impressed when she and Senator Winters met with teachers in Boone County and the teachers said the RTI program made them better teachers. She said it was a very emotional and encouraging meeting.

Representative Rollins introduced Ms. Lois Weinberg, Board Member, Hindman Settlement School, and Misty Lay, School Psychologist, Bullitt County Schools, to discuss assessment and intervention for students with dyslexia. Representative Belcher shared some information on Ms. Lay's background. She said Ms. Lay has wonderful credentials, and excellent knowledge of RTI and special education. She said she is a wonderful asset to have working with children, parents, and teachers in the Bullitt County School System.

Ms. Lay said she became interested in RTI when the concept first originated in 2004. She said one of the most frustrating things for a school psychologist is to know that there are students in the school that need additional help, but may not qualify for services. With limited resources, it is hard to serve all the students who need the help. She said RTI provides a structured set of resources for teachers to meet all types of student needs.

Ms. Lay said there are students that need additional help that do not have disabilities. She said a severe discrepancy model is used in Kentucky to identify a specific learning disability. She said some students do not meet that very low criterion score, but are three or four grade levels below in their reading, math, or writing skills, and will not receive the special education services. She said this is a "wait to fail" model being utilized in Kentucky because the severe discrepancy is sometimes not met by the students until the third, fourth, or even fifth grades. She indicated that she believes RTI and early

intervention is the best way to correct Kentucky's current model. She gave some background information on Bullitt County's program, which is similar to the program in Boone County. She said 40 percent of K-5 students in a Bullitt County school were identified as at-risk and 60 percent were meeting benchmarks. She said this school had no literacy plan in place or research-based instructional program to teach reading. One year after implementing a research-based core instructional program, the school increased to 85 percent of the students meeting benchmarks, and 15 percent underachieving. She said RTI addresses the needs of all students, and not just the weaker students.

Ms. Weinberg showed the members a Power Point presentation on dyslexia facts. She said dyslexia means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and socio-cultural opportunity. She said it is a myth that dyslexia does not exist, that students see words backwards, have a visual problem, or that children outgrow dyslexia. Dyslexia is a language-processing disorder that impedes a person's ability to read, write and spell, it is inherited, and is not rare.

Ms. Weinberg discussed the classic warning signs of dyslexia and said they can be recognized as early as age one. She noted the warning signs for dyslexia are unique to dyslexia. The warning signs of dyslexia in preschoolers include: delayed speech; mixing up sounds or syllables; chronic ear infections; constant confusion of right versus left; difficulty learning to tie shoes; cannot create words that rhyme; have trouble memorizing; and have a close relative with dyslexia. The warning signs in elementary school children include: dysgraphia, or slow handwriting that is difficult to read; letter and number reversals continuing past first grade; slow, choppy, inaccurate reading; terrible spelling; difficulty telling time on a clock with hands; difficulty with sight words; and extremely messy bedrooms, desks, and backpack. She said research has shown that of all students diagnosed with a learning disability, 80 percent have characteristics of dyslexia.

Ms. Weinberg said there is a conceptual framework called the Orton-Gillingham Based Multisensory

Method and she believes this is the most effective way to help a student with dyslexia. She said multisensory teaching links the visual, auditory, and kinesthetic-tactile pathways in learning to read and spell.

Ms. Weinberg said a child can be identified with dyslexia as early as four to five-a-half years old. She said children may be screened by appropriately trained classroom teachers to identify dyslexic characteristics and begin early interventions. Students enrolling in public schools in Kentucky should be screened for dyslexia and related disorders during kindergarten through the second grade and at appropriate times when students exhibit characteristics of dyslexia. She said at any time during the screening for dyslexia, identification process, or instruction related to dyslexia, students may be referred for evaluation for special education. At times, students will display additional factors and areas complicating their dyslexia and requiring more support than what is available through general classroom instruction and intervention. She said students with severe dyslexia or related disorders unable to make adequate academic progress within any of the programs described may be referred for a special education assessment.

Ms. Weinberg said dyslexic characteristics must be identified or suspected in order to treat the students successfully. She said the students must receive the right kind of intervention or instruction and receive appropriate classroom accommodations.

Ms. Weinberg discussed the emotional impact on students with dyslexia. She said the students may display anxiety, anger, portray a poor self image, show symptoms of depression, or have family problems. She said there are economic impacts resulting from dyslexia. She noted there were over 6,700 Kentucky high school dropouts last year. She said less than two percent of those students will ever attend a four-year college. Many become non-productive members of society, end up in prison, or commit suicide.

Ms. Weinberg concluded that children should be screened for dyslexia as early as kindergarten. She said teachers should be provided professional development and there should trained staff in Orton-Gillingham multisensory teaching methods. She also said multisensory instruction should be implemented in an

explicit systematic continuous curriculum. Ms. Weinberg recognized Trey Franklin, Scott County Schools, and Connor Sparks, Boone County Schools, who were in the audience.

Representative Rollins asked Ms. Lay how schools are identifying students with dyslexia. Ms. Lay said there is no consistent screening method across the state. Ms. Cheser said that school systems and teachers cannot diagnose students with dyslexia. There was discussion about the difference between a medical diagnosis and school screenings for characteristics of dyslexia. Ms. Weinberg said that a medical diagnosis may get the child referred into special education, but it is not needed for the students to receive an Orton-Gillingham based set of techniques and curriculum.

Representative Rollins asked Ms. Lay if there are weekly meetings in the Bullitt County school system similar to the ATM meetings being held in Boone County. Ms. Lay said there were similar meetings being held in Bullitt County called problem solving team meetings. Representative Rollins believes these meetings, led by the principals, is essential to the program being successful.

Representative Stevens said the important thing is for teachers to find strategies to help students overcome their problems. He said so many of the learning disabilities can overlap. He asked to hear from the students on how they overcame their struggles with dyslexia. The students declined any comments.

Senator Turner thanked the presenters for their excellent presentations. He recognized Ms. Weinberg for her volunteer education advocate work in dyslexia at the Hindman Settlement School in Knott County.

Representative Glenn said the report indicated that 6,700 students are dropping out of school each year. He said the CPE had reported a \$9,000 difference between those who drop out of school and those who actually receive a high school diploma, which equates to \$60.3 million dollars in income. He asked the cost of treating students with dyslexia. Ms. Weinberg said she is a volunteer and the Hindman Settlement School program is geared for low-income people, so they do not spend a lot. She said money is raised to offer programs at the Hindman Settlement School in the summer. Ms. Cheser said Boone County spent \$100,000 getting its teachers trained in Orton-Gilling-

ham. Ms. Lay indicated that Bullitt County schools have spent \$0 on training relating to dyslexia.

Representative Rollins introduced Ms. Brigid DeVries, Commissioner, Mr. Julian Tackett, Assistant Commissioner, Kentucky High School Athletic Association (KHSAA); Peter Bowles, M.D., Ben Kibler, M.D., Kentucky Medical Association (KMA); and Michael Daley, Director, Division of Educator Quality and Equity, KDE, to give the committee a report of the sports safety study pursuant to House Bill 383 (2009 Regular Session). Ms. DeVries said the HB 383 required that a Sports Safety Work Group (SSWG) be established, including individuals from the athletic, educational, and medical professions. The purpose of the committee was to coordinate a study of sports safety for interscholastic sports in Kentucky. The committee met five times this past year and KHSAA was the host site for the meetings. The study was coordinated by Ms. DeVries and Mr. Daley. She said the second charge or component from HB 383 was that the Kentucky Board of Education or organization or agency designated by the board to manage interscholastic athletics should require each high school coach to complete a sports safety course consisting of training on how to prevent common injuries. The course was to be focused on safety education.

Mr. Tackett said the SSWG concluded its work on October 1, 2009, and made several recommendations and reached consensus on a variety of subjects. The report includes a review of each component outlined in HB 383, and includes consensus statements from the SSWG. The complete report is located in the meeting folder in the LRC library. The following are the central points of the consensus statements and summarize the key recommendations: 1) Air Quality Index information needs to be available to coaches and administrators in predetermined areas of the state; 2) The 2009 Sports Safety Course should continue to be used to fulfill the mandatory sports safety requirement in KHSAA regulations, specifically Bylaw 27 and outlined in 2009 HB 383; 3) The KHSAA, KDE, KMA, and the Kentucky Athletic Trainers Society (KATS) should work collaboratively with the Kentucky Center for School Safety (KCSS) to develop guidelines for emergency preparedness plans for athletic contests, practices, contests and facilities; 4)

The General Assembly should appropriate funds to collect interscholastic sports injury information to provide injury data specific to Kentucky; 5) The KHSAA and KDE should continue to distribute and refer health and sports safety information to coaches, student-athletes, parents and volunteers through the use of the internet and other means; 6) The Kentucky Board of Education should review current sports safety regulations and requirements for coaches at the middle school level; 7) Existing sports safety guidelines should be made available for use by school programs at any grade level as well as other activity groups such as band, drill team, or dance; 8) The Kentucky General Assembly should consider changes to KRS 311.900-311.928 to remove current restrictions limiting the work settings for athletic trainers (as defined in the report) promoting a funding alternative for better coverage and availability of trainers.

Dr. Kibler said Kentucky is leading the nation in the field of sports safety and is the only state offering a sports safety on-line course. He wants Kentucky to further its work and complete other modules in the future. Dr. Bowles, Chairman, KMA Board of Sports Medicine, said they formed the committee in about eight weeks. He said the members of the committee are committed to continuing their work and improving all sports safety programs in Kentucky.

Representative Graham said defibrillators were included initially in HB 383 sponsored by himself and Representative Jenkins. He would like to see the committee implement a policy to encourage the use of defibrillators, particularly in the junior high and high schools. Ms. DeVries said all coaches are required to take the training as stated in Bylaw 27. Dr. Kibler said all schools must have an emergency response plan and the plan must include the use of an automated external defibrillator (AED). He said the use of AED's is included in the current recommendations, and will not need to be added in the revision process.

Representative Miller asked how often the coaches have to complete the training. Ms. DeVries said the course has to be updated every 30 months. A coach must complete the course and an update. Representative Miller asked if new coaches can receive their certificate immediately off the computer after completion of the course. Mr. Tackett said the

coaches can print their certificates immediately or the school district can print the certificate for them. He noted the training will be a pre-hire requisite for coaches beginning in the 2010-2011 school year. Representative Miller said the heat index issue is controversial. He would like to see athletic trainers located in every school to ensure school safety in the future.

Representative Edmonds thanked the KHSAA staff for a job well done. He also commended the KMA for being a willing and committed partner to the endeavor of sports safety. He said local doctors have an increased awareness of the issues and are working together with the sports programs in their local communities.

Representative Stone discussed the pre-athletic physical examinations for student athletes and asked if the quality is adequate. He said so many tragedies come from congenital preexisting conditions in students. Dr. Bowles said he feels physicians do the best they can in conducting pre-examinations for student athletes. He said they are constantly looking at ways to improve the process. Dr. Kibler said the issue of physical examinations is being debated worldwide.

Senator Blevins asked how much the cost is to train the coaches. Mr. Tackett said there is no charge. Senator Blevins said Kentucky should use the program as a marketing tool to other states. Mr. Tackett said this is in preliminary discussions.

Representative Carney commended KHSAA for a tremendous job and being ahead of the game. He is also concerned with the quality of the pre-athletic physical examinations.

Representative Rollins asked representatives from the Education Professional Standards Board to present administrative regulation 16 KAR 7:010 - Kentucky Teacher Internship Program. Ms. Alicia Sneed, Division Director, Division of Legal Services, Mr. Robert Brown, Division Director, and Ms. Teresa Brown, Branch Manager, Division of Professional Learning and Assessment, Education Professional Standards Board, explained the administrative regulation and responded to questions from members. Ms. Sneed said 16 KAR 7:010 establishes the requirements for the Kentucky Teacher Internship Program. It is being amended to allow teacher interns to receive mentoring

in a collaborative setting if such collaboration meets the needs of the intern as defined in the intern's professional growth plan. The amendment also permits a resource teacher to serve two interns. She said payments to resource teachers shall not exceed \$1,400 per teacher intern.

Representative Belcher asked about the confidentiality issue if one intern is performing well and the other is not. Ms. Sneed said the resource teacher could mentor the intern that was not doing well privately. Mr. Brown said the resource teachers can work alone with each intern. Representative Belcher asked how the resource teachers could complete 50 hours with each intern. Mr. Brown said working with two interns is completely voluntary and not every resource teacher will do this. He said principals want the fantastic resource teachers to be able to mentor two interns, but it is voluntary. No action was need by the committee on the administrative regulation.

Representative Rollins asked Ms. Tamela Biggs, General Counsel, Kentucky Teacher Retirement System, to explain 102 KAR 1:130 - Benefit eligibility conditions for members providing part-time and substitute services. She said the proposed administrative regulation provides eligibility conditions for those members who provide part-time or substitute services to apply for disability retirement benefits and provides conditions for their eligible survivors to participate in life insurance and survivor benefits.

Representative Webb-Edgington asked the length of time someone would have to substitute teach to receive the benefits. Ms. Biggs responded that a substitute teacher would have to provide service for 69 percent of a normal school calendar year. Representative Webb-Edgington asked if a part-time substitute could receive all the rights and benefits of a full-time classroom teacher. Ms. Biggs said she could not answer that question.

Senator Westwood asked if the administrative regulation requires the substitute teacher to work within one school district or if they can accumulate the hours in several different school districts. Ms. Biggs said the teachers can accumulate the time in different school districts.

Representative Wuchner asked who is paying the funds if a teacher is working in multiple school districts. Ms. Biggs said the teachers



and the school system pay a portion of the funds. Representative Rollins noted that the funds for the benefits are withheld from the teacher's paycheck. No action was needed by the committee on the administrative regulation.

With no further business before the committee, the meeting adjourned at 3:25 p.m.

## **INTERIM JOINT COMMITTEE ON LICENSING AND OCCUPATIONS**

**Minutes of the 6th Meeting  
of the 2009 Interim  
November 13, 2009**

The 6th meeting of the Interim Joint Committee on Licensing and Occupations was held on Friday, November 13, 2009, at 10:00 AM, in Room 129 of the Capitol Annex. Representative Dennis Keene, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Gary Tapp, Co-Chair; Representative Dennis Keene, Co-Chair; Senators Tom Buford, Julian M. Carroll, Perry B. Clark, Carroll Gibson, Denise Harper Angel, John Schickel, Dan "Malano" Seum, Kathy W. Stein, Damon Thayer, and Robin L. Webb; Representatives Tom Burch, Larry Clark, Ron Crimm, David Floyd, Dennis Horlander, Joni L. Jenkins, Adam Koenig, Reginald Meeks, Charles Miller, David Osborne, Darryl T. Owens, Ruth Ann Palumbo, Carl Rollins II, Sal Santoro, Arnold Simpson, Ron Weston, and Susan Westrom.

Guests: Geoff Russell, Chairman of Kentucky State Acupuncture Association, member of Kentucky Medical Licensure Board, Acupuncture Advisory Committee; Oliver Barber, attorney for the Kentucky Acupuncture Association; Eric Gregory, Kentucky Distillers Association; Daniel Meyer, Wine and Spirits Wholesalers of Kentucky, Inc.; Lowell Land, Kentucky Vineyard Society, Chuck Smith, owner Smith-Berry Winery and Vineyard, past-president Kentucky Vineyard Society.

LRC Staff: Tom Hewlett, Bryce Amburgey, Carrie Klaber and Susan Cunningham.

The minutes of the October 9, 2009, meeting were approved as submitted without dissent.

First on the agenda Representative Tom Burch presented BR 250, AN ACT relating to acupuncture, which has been prefiled. He said the bill changes the status of acupuncture from a certified professional to

a licensed profession. In section 6, the penalty is changed for a person who practices without a license from a class A misdemeanor to a class D felony. Also, the requirement was changed to notify the patients primary care physician rather than consult with the physician if the patient's condition was uncontrolled hypertension, cardiac conditions and diabetes or other serious condition. Oliver Barber, attorney for the Kentucky Acupuncture Association, said he was available to answer questions regarding the bill. Geoff Russell, Chairman of Kentucky State Acupuncture Association, and member of the Kentucky Medical Licensure Board, Acupuncture Advisory Committee, told the committee that changing from certification to licensure would bring Kentucky in line with other states that license acupuncturists. He said the board is requesting modification of requirements to report to a physician for conditions such as diabetes or hypertension unless these conditions are uncontrolled. He said physicians, to date, have not replied to paperwork submitted to them and it is presumed that there is no objection to these patients with controlled diabetes or hypertension receiving acupuncture treatments.

Representative Floyd asked why it was necessary to change acupuncture from certification to licensure, particularly when a penalty increase was noted in the language of the bill. Mr. Russell said the disciplinary action is a result of a grey area in the law that allowed people to practice acupuncture without a national license. Mr. Barber said currently there is no punishment for practicing acupuncture without a license; however, the medical licensure board can request a cease and desist of individuals who are practicing without a license. Senator Tapp asked if licensure versus certification made a difference in the reimbursement rates received from insurance. Mr. Barber responded no. Representative Owens asked if the acupuncturist was required to consult with a physician or only to notify the physician of treatment. Mr. Russell said that there is a list of 10 conditions that require an acupuncturist to notify the patient's physician when they exist. Representative Burch said the medical profession has taken an interest in acupuncture and that this bill fine-tunes previous legislation. Representative Keene said he did not like changing the penalty from

a class A misdemeanor to a class D felony. Mr. Barber responded that the penalty section of the bill could be changed.

Next on the agenda, Representative Susan Westrom addressed the committee regarding bourbon tasting legislation. She said this is important to the bourbon industry and the ability showcase the industry at the World Equestrian Games. Eric Gregory, President of the Kentucky Distillers Association, thanked the committee for the opportunity to address them regarding modernizing Kentucky's bourbon laws. He said the proposal would update laws regarding the promotional sampling of distilled spirits and modern marketing practices. He said Kentucky is the birthplace of bourbon, producing 95 percent of the world's supply. However, under current law Kentucky distillers are limited in their ability to showcase their products at tasting events outside the distillery grounds. Mr. Gregory said the proposal would allow distillers to conduct promotional sampling events only at locations that have a license to sell distilled spirits at retail. He added that the legislation does not allow sampling events in dry areas. The proposal clearly spells out guidelines for a sampling event, which would be regulated and enforced by the Kentucky Alcoholic Beverage Control Board.

Jerry Summers, Director of Community Relations for Beam Global Spirits and Wine added that Jim Beam had developed a "drink smart" program and felt that the legislation ensured that products were distributed in a responsible manner.

Dan Meyer, Executive Director and General Counsel for Wine and Spirits Wholesales of Kentucky, Inc. said the legislation was important to the spirits and wine industry. He said it gives the wholesalers and the distillers, who know their products the best, the ability to educate consumers while offering a sample of the products.

Representative Clark asked what the branded, non-alcoholic promotional items would be. Mr. Gregory said items such as key chains and commemorative bungs. Representative Floyd asked how the legislation ensured appropriate taxes are paid. Mr. Gregory said that the samples would be purchased through a licensed retailer, who would pay taxes on the products. Representative Crimm asked if the limit of three,

half-ounce samples per day was per location. Mr. Gregory said, as much as it could be controlled, yes.

Last on the agenda, Lowell Land, owner of Acres of Land Winery and board member of the Kentucky Vineyard Society, told the committee the society would like to endorse a new license for wineries. He said that wineries that exceed production of 50,000 gallons per year should be eligible for another license with a cap of 250,000 gallons. He said the society did not want to inhibit any winery's potential to grow. He said the small farm wineries have benefited from the leadership of the General Assembly and help with legislation passed in 2006. He said there are currently 50 small farm wineries in operation. Mr. Land said there are three provisions in the current license that are very important for small farm wineries; the exemption from the 11 percent wholesale tax, the marketing assistance fund, and the tasting room. Mr. Land said the tasting room is very important to any winery and should be continued on the 250,000 gallon license. However, the issue of exemption from the 11 percent wholesale tax, if extended up to 250,000 gallons of wine, would allow more out-of-state wineries to come into Kentucky. He said this would potentially put Kentucky small farm wineries out of business. Mr. Land said that the owner of the Kentucky winery who is now able to produce more than 50,000 gallons of wine per year has said he is willing to pay the wholesale tax. He said this would be more revenue for the state in sales tax collected. Mr. Land said, in short, the society was asking for a new license for production over 50,000 gallons up to 250,000, that would eliminate the wholesale exemption and the cost share advertising, but keep the tasting room.

Senator Thayer said he was concerned that it was unfair to take away a tax exemption because someone was successful. Senator Webb asked if there has been a fiscal analysis done on the proposal of the exemption. Mr. Land said no. Representative Burch asked if raising the production volume to 250,000 would encourage other states to come to Kentucky. Mr. Land said other wineries are welcome to come in; however, if other larger wineries were allowed to come into Kentucky under the wholesale tax exclusion it would be problematic. Representative Clark asked if all the small farm

wineries have been polled. He said he was concerned that creating marketing advantages for large wineries would put the small wineries out of business.

Chuck Smith, Smith-Berry Winery, commented that the board of the Kentucky Vineyard Society was made up of 12 members from all across the state, representing grape growers, farmers and winery owners. He said the board of directors are all in agreement with legislation for a new wine license.

Senator Thayer asked if there was a new license with a higher production cap, that continued to allow the first 50,000 gallons to be exempt from the wholesale tax, would it draw a significant number of wineries from out-of-state into Kentucky. Mr. Land said he did not anticipate wineries locating in Kentucky as much as wineries from other states getting a Kentucky distributors license and taking advantage of the exemption. Dan Meyer said it gives out-of-state wineries the ability to hold a license and have no physical presence in the state. Senator Buford said it would not take much for an out-of-state winery to have a presence in Kentucky and it would be hard to regulate the actual amount of wine being shipped in. Senator Tapp said Senate Bill 82 is working very well and said caution should be taken to avoid losing everything that has been accomplished. Mr. Land said the last thing the society wants to do is hurt the industry and they want to work with everyone.

There being no further business to come before the committee the meeting was adjourned at 10:55 AM.

#### **INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT Minutes of the 5th Meeting of the 2009 Interim November 17, 2009**

The 5th meeting of the Interim Joint Committee on Natural Resources and Environment was held on Tuesday, November 17, 2009, at 1:00 PM, in Room 131 of the Capitol Annex. Representative Jim Gooch Jr., Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Brandon Smith, Co-Chair; Representative Jim Gooch Jr., Co-Chair; Senators David E. Boswell, Ray S. Jones II, Bob Leeper, Dorsey Ridley, Katie Kratz Stine, Gary Tapp, and Johnny Ray Turner;

Representatives Hubert Collins, Keith Hall, Stan Lee, Tim Moore, Don Pasley, Marie Rader, Kevin Sinnette, Ancel Smith, and Fitz Steele.

Guests: Johnny Greene, Office of Mine Safety and Licensing and Charles Baird and Joe Jacobs, Coal Operators Association.

LRC Staff: Tanya Monsanto, Stefan Kasacavage, Lowell Atchley, Biff Baker, and Kelly Blevins.

Rep. Gooch asked for the report of the Regulated Utilities Subcommittee. Rep. Steele stated that the committee received a report from the Kentucky Public Service Commission on the utility response to 2008 Hurricane Ike and the 2009 Ice Storm. The subcommittee also received testimony from the Division of Mine Permits on permit backlogs. After a motion and a second, the report was approved. Rep. Gooch asked for a motion to adopt the full report of the Interim Joint Committee on Natural Resources and Environment which will be printed next month. After a motion and a second, the committee adopted the full report. Then Rep. Gooch made several comments regarding the coal mining industry and the number of mine inspections. He stated the General Assembly adopts more stringent standards without fully understanding what takes place during an inspection.

Mr. Johnny Greene with the Office of Mine Safety and Licensing provided an overview of the functions and responsibilities of their office. He described the district offices and their locations throughout the coal fields and the divisions and personnel within the main Frankfort office. He stated that there is a mine rescue station in each office as well. Mr. Greene reported there are 549 licensed mines in the state with 313 being surface and 224 underground. In 2009, inspection mandates increased and mine rescue requirements were changed after a United States Court of Appeals decision. The Office must still conduct 87 inspections. Currently the requirements are for 4 regular inspections per year. Additionally there are two inspections per surface mine and two electrical inspections.

Rep. Gooch asked where the mine analysts fit in the picture of mine inspections and whether they the same records as inspectors. Mr. Greene replied that analysts are not a mandated program and they only write a violation if there is a clear and present danger. The analyst works

from the working section on a work cycle and talks to the miners. The analyst sends a report to the division director who then prints the reports on a three month basis. They share the reports with industry but the analyst's actions do not count as an inspection.

Rep. Gooch asked how many analysts are currently employed by the division and how many citations they write as opposed to time spent watching miners. Mr. Greene agreed to provide the information. He also stated that the office has inspectors too and they work on special investigations as well as regular accident investigations. They are in the process of hiring new inspectors for mine rescue coverage.

Then, Mr. Greene described the number of inspections, idle inspections, and regular inspections for each district. He stated that going into the fourth quarter, the office needs 253 more inspections to complete the statutorily mandated inspection requirements.

Rep. Gooch asked how long it takes to do an electrical inspection. Mr. Greene replied that he would address that later in the presentation. Rep. Hall stated that Kentucky is down 20 million tons of coal and asked if that was due to mine closures. The number of licensed mines has not changed but they have laid off a number of miners and many are not producing coal anymore.

Mr. Greene replied that last month the office presented the best mine awards and then he showed a map of projected mining and demonstrated where the inspections occurred. It takes four to five days to cover an inspection area normally. There is a lot of paperwork, books, and activities on the surface and below. The inspection must include the working section, travel the belt-line, review continuous miner and return escapeways and other safety equipment and procedures. However if a mine is below the water table and gassy then it may take longer to complete, perhaps as long as a month. It depends on the size and complexity of the mine.

Rep. Collins remarked that the picture of the award winning mine was Eagle Mining with the Booth Energy Complex. The committee visited the mine in August. Rep. Gooch stated that inspections can take a month to cover the roof, ventilation, and then there are Mine Safety and Health Administration (MSHA) in-

spectors. Mr. Greene clarified that the office does inspect the roof but not the ventilation plan. If there are roof problems then they are not caught by analysts who do not work the outby. They only watch miners at the working face.

Rep. Gooch asked how inspections have changed over the past ten years. Mr. Greene replied that inspection requirements change. MSHA requirements under the Miner Act have changed. But the change has been for the better. The office has a common sense approach. If there are violations then the office enforces them but the office is not about putting mines out of business. The goal of the office is to see coal miners remain safe.

Rep. Gooch asked if inspections take longer to complete now. Mr. Greene answered no. It has been done the same over the past 10 years. What has changed is how the office responds to notices of violation and Mine Safety Review Commission adjudication.

Sen. Smith stated that over one half of the mines are idle; yet inspections are doubled. Also, there was a time when inspectors were a resource working with industry. Now inspectors are hostile. Mr. Greene clarified that idle does not mean out of business. The idle mine still must be inspected. Over time enforcement changed. It was strengthened. If there is a violation then the inspector points it out. It is our moral and legal duty.

Rep. Gooch asked if state inspectors call federal inspectors when a violation is discovered. He also asked if the mine can be shut down rather than call MSHA. Mr. Greene stated typically state inspectors do not call federal inspectors. However if it is a gassy mine and there is an egregious violation then we may find it necessary to inform MSHA. The office can shut a mine down and if it does then MSHA knows about it. There is no way that shutting a mine down will prevent MSHA from knowing about a serious violation.

Sen. Boswell asked whether a 6% cut to the office will impact their ability to perform mandated duties. Mr. Greene replied that the office is unsure. If we have more personnel cut due to budget reductions then the office cannot do the number of inspections or the rescue training.

Rep. Steele asked what happens if two inspectors show up at the same time at a mine. He also noted



that holidays are dangerous in mines and asked what the office is doing to promote safety during this time. Mr. Green responded that the method varies if a MSHA and state inspector show up simultaneously. Usually one stays and the other leaves. Additionally, the last newsletter had a winter alert to promote miner safety.

Rep. Gooch asked if mine analysis could count as inspection. Mr. Greene said no. The analyst visits do not amount to an inspection. Sen. Stine asked whether the office could call ahead to prevent arriving at an idle mine and improve their performance of inspections. She stated that it would be helpful. Mr. Greene replied that the office sends an idle card which places the responsibility on the mine to inform the office of their availability. Rep. Hall asked how many deaths has Kentucky had this year and are not those deaths ascribed mostly to human error. We need more educative, helpful approaches rather than punishments. Mr. Greene responded two counting MSHA reported deaths. The majority are due to human error but not all. Often several factors play a role in a death. Analysis does not need to be incorporated into the definition of an inspection. The office needs to keep focused on training for better, safer working conditions. Analysts should not act like inspectors but they also should not turn a blind eye to violations or violation practices.

Rep. Gooch asked where money from fines go. Mr. Greene said to the general fund. Rep. Steele asked if all inspectors are METs or EMTs. Mr. Greene stated that all analysts are METS and seventy percent of inspectors are METS. Rep. Collins asked why write a citation for something than can be fixed immediately. It goes on the mine's safety record. Mr. Greene responded because it is non-compliance, but there is no monetary fine for a citation. If the violation is discovered then the miner failed to perform a preoperative check. Work histories tell one story but you have to examine the citation by type to get a good idea of a mine's overall safety record.

Rep. Gooch thanked Mr. Greene for his testimony and asked Mr. Charles Baird, chairman of the coal operators and associates to provide testimony on issues facing the coal industry. Mr. Baird stated that there is retribution against the industry from all sides. The US Army Corps and the EPA are hurting the indus-

try. Then he discussed the public hearing on the nationwide 404 permits. Mr. Baird stated that Kentucky needs better organization to prevent over inspection. We should examine multicounty inspections. Also mining jobs are leaving the state and some go to China. There should be an organizational audit to determine what our inspectors and analysts are really doing with their time. Inspections do not last five days. They will last a quarter and we need a database to tell us what staff is doing. They spend a disproportionate amount of time on a section and it is not good to take management away from a production cycle. The cost on the small mines is high and that is why they are idle. The requirement for inspections should be changed. Analysts do issue violations and they do call MSHA. Operators have been called to evaluate a problem and then find MSHA issuing additional violations. Finally the press is very critical of the coal industry. They spread misinformation about the industry's safety record presenting it as unsafe.

Sen. Brandon Smith remarked that his family has been in business since 1932 and inspectors used to work cooperatively with the mine. After that inspector retired the new one was hostile and vindictive. Mr. Baird replied that the office has undergone a cultural change. Rep. Gooch stated that there are no other states with a mine inspection problem as large as Kentucky's. Mr. Joe Jacobs responded that no other state has the mine analysts program. Rep. Ancel Smith asked if there was overlap between state and federal law. Mr. Jacobs replied state and federal law complements each other but there are some disparities such as roof control. Kentucky training is burdensome. Other states do 8 hrs and Kentucky does 16 hours.

Rep. Steele and Rep. Collins both agreed that the press paints a bad picture of the industry. Appalachia is under fire. Mr. Baird stated that Browner and Jackson at EPA both want to eliminate mountaintop removal (MTR) and perhaps all mining methods. The nationwide permit 21 is to be excluded in 2 states, and Kentucky is one of the two states. This action is geared against Kentucky to increase the cost of electricity and prevent investment in our state.

Rep. Gooch thanked the members for their attendance and an-

nounced that a request will go forward for a December meeting. After a motion and a second, the meeting adjourned.

## **INTERIM JOINT COMMITTEE ON NATURAL RESOURCES & ENVIRONMENT Subcommittee on Regulated Utilities Minutes of the 2nd Meeting of the 2009 Interim November 17, 2009**

The 2nd meeting of the Subcommittee on Regulated Utilities of the Interim Joint Committee on Natural Resources & Environment was held on Tuesday, November 17, 2009, at 10:00 AM, in Room 131 of the Capitol Annex. Representative Fitz Steele, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Bob Leeper, Co-Chair; Representative Fitz Steele, Co-Chair; Senators David E. Boswell, Katie Kratz Stine, and Gary Tapp; Representatives Hubert Collins, Tim Couch, Keith Hall, Marie Rader, Kevin Sinnette, and Jim Stewart III.

Guests: Jeff Derouen, Executive Director, Public Service Commission; Stephanie Bell, Legislative Liaison, Public Service Commission; Andrew Melnykovich, Communications Director, Public Service Commission; Allen Luttrell, Acting Director, Division of Mine Permits; Larry Arnett, Deputy Commissioner, Department for Natural Resources; and Len Peters, Secretary, Energy and Environment Cabinet.

LRC Staff: Stefan Kasacavage, Kelly Blevins, and Tanya Monsanto, CSA.

A quorum being present, Chair Steele asked for a motion to approve the minutes of the October 23, 2009 meeting. After a motion and a second, the minutes were approved. Chair Steele asked the representatives from the Public Service Commission (PSC) to give their report on storm damage cleanup.

Jeff Derouen, Stephanie Bell, and Andrew Melnykovich from the PSC began their presentation on cleanup efforts following both Hurricane Ike and the ice storm that struck the Commonwealth last winter. The presentation was a preview of the PSC's comprehensive storm damage report that was to be released on November 19.

The wind storm caused by Hurricane Ike in the fall of 2008 resulted in electricity outages for 600,000 Kentucky utility customers and caused estimated damages of \$595 million,

not including uninsured losses. Four Kentuckians lost their lives as a result of the wind storm. In preparation of the report, the review team met with the National Weather Service to determine the likelihood of the recurrence of either the wind storm or the ice storm and why the severity of the wind storm was not known in advance. Mr. Derouen thanked the National Weather Service for their help in preparing the report. Very unique weather conditions that did not occur anywhere else in the country contributed to the severity of the wind storm in Kentucky.

Since the wind storm had not been forecasted, many of the utilities were unprepared. Several utilities, including the hardest hit, LG & E, had sent crews to the Gulf Coast to help repair damage that had already been caused by the hurricane when it first made landfall. Governor Beshear declared a state of emergency and the crews were quickly recalled when the extent of the damage here had been realized.

As destructive as the wind storm was, the ice storm that occurred the following winter was by far the largest utility loss in state history. About 770,000 Kentucky utility customers lost power due to the storm, and 10,600 electric utility poles were broken across the state. More than 10,000 restoration workers from over 30 states helped to restore power to Kentuckians in the aftermath of the storm. The total damage resulting from the storm was estimated to be \$616 million dollars, not including uninsured losses. Of 120 Kentucky counties, 103 were declared disaster areas, and 36 Kentuckians died as a result of the ice storm.

After the 2008 wind storm, the PSC began a review of the damage and cleanup effort. While working on the review, the ice storm struck, so the PSC decided to expand the scope of the review to include the ice storm. The PSC asked utilities to respond to a 217-part questionnaire on storm damage and cleanup. Information was also gathered from water, wastewater, and telecom providers. The final report will have over 60 recommendations to utilities, government entities, telecommunications providers, the public, and the PSC for how to better prepare for future storms of similar magnitude to the wind and ice storms. Some of the recommendations in the final report will include: placing new additions to the electric infrastructure under-

ground, providing backup generators for wireless service towers, making service connections stronger, and working to streamline outage reporting.

Following the release of the final report, the PSC will seek comments from utilities about the recommendations contained in the report. Once the comments are reviewed, the PSC will seek policy changes moving forward either through regulation changes, statutory changes, or administrative cases.

Sen. Stein asked why the northern Kentucky counties were not accounted for on the PSC's map of average wind speeds in Kentucky counties during the wind storm. Mr. Melnykovich responded that information on the northern Kentucky counties was available, but only central Kentucky counties had been included on the map because the information had been gathered from the Louisville Weather Service.

Sen. Stein then asked why the final report was not ready for this meeting. Mr. Derouen responded that they had tried to have it ready for this meeting, but they were not able to finish it in time. Some final recommendations had to be approved by the commissioners before the report could be released. The commissioners were currently in Chicago at their national meeting, but they had been reviewing the report and their approval would be forthcoming. The PSC had planned to release the report on November 19.

Co-Chair Leeper thanked the PSC for their work in restoring power to industrial customers and for working to cleanup and repair the large transmission lines that had fallen into the Ohio River. Some of the problems associated with cellular phones during the ice storm actually stemmed from the fact that cellular phone calls must at some point be routed to landlines, which in many cases were down. The tireless work that utilities did in his area to restore power to his constituents was greatly appreciated.

Sen. Boswell commented that he was disappointed that the report was not yet ready, but with the widespread damage and incredible costs associated with the storms, it was understandable that any report detailing the cleanup effort would take a long time to complete.

Rep. Collins asked how we could calculate the uninsured losses as a result of the storms. Mr. Melnykovich

responded that there were many losses that were simply not recorded by anyone as economic losses, including lost wages, lost business, and home repairs for which there were no insurance claims. These losses were nearly impossible to calculate. The storm damage estimates are very conservative numbers in light of the total economic losses suffered.

Rep. Hall asked if Kentucky suffered more damage than any other state during the ice storm. Mr. Derouen said he believed that Kentucky suffered the most damage. They did not have the damage totals for all of the surrounding states with them, but those figures were included in the final report. Mr. Melnykovich added that he believed that Arkansas and Missouri had very significant damage from the ice storm. According to the mutual aid workers during the ice storm, the damage in Kentucky far surpassed the other surrounding states.

Rep. Hall asked what the PSC's goal was moving forward with the recommendations that will be outlined in the final report. Mr. Derouen answered that each utility would be asked to respond to each recommendation that affected it. The recommended changes will be accomplished in different ways including through administrative cases, or through utilities making the changes on their own.

Rep. Stewart asked what percentage of proposed rate increases ended up going to the utilities. Mr. Derouen explained the ratemaking process and the administrative hearings that were held to justify the increases. Often times, settlements are reached, which the PSC reviews. Rep. Stewart said that his instinct told him that they always keep a portion when a rate increase is approved. He had tried to intervene in the ratemaking process before, but he was not allowed to do so. More transparency and inclusion of interested parties should be pursued in the ratemaking process.

Co-Chair Leeper commented that they had received testimony at the Appropriations and Revenue meeting about how sending text messages using cellular phones uses only a fraction of the resources that phone conversations used. In emergency situations, it is much easier to communicate via text message than it is to try to call someone using a cellular phone. Mr. Melnykovich responded that there was extensive

discussion of using that kind of technology during emergency situations in the final report.

Sen. Boswell asked if they anticipated requests from utilities for rate increases in order to implement some of the recommendations in the report. Mr. Derouen said that it was possible. A "regulatory asset" is an accounting tool that allows utilities to mark their losses from a storm for recovery over a longer period of time than a normal rate case would allow. These may be employed where appropriate instead of dealing with requests for rate increases from every utility that suffered recoverable losses during the storms.

Rep. Collins asked if the rate increases would be nullified once the losses were recovered by the utility. Mr. Melnykovich answered that they would be; the regulatory assets would initially be established for accounting purposes only. The next time that the utility is before the PSC for a rate case, the PSC will determine which portion, if any, of the losses are recoverable by a rate increase. Usually the increase is established over a fixed time frame, like five years, and then it is removed. Rep. Collins asked if there were a list of events for which utilities could establish regulatory assets. Mr. Melnykovich responded that there was not an established list of events, permission to establish a regulatory asset is decided on a case-by-case basis.

Sen. Stein asked what the sources were for the information contained in the report on the measure of monetary damages suffered in the Commonwealth as a result of the storms. Mr. Melnykovich responded that reports from utilities, FEMA estimates, and numbers from the Insurance Institute were all used to determine the amount of damages.

Chair Steele asked Mr. Derouen to present the final PSC report to the full committee meeting in December, if it is held. He also asked for the members of the subcommittee to be notified when a rate increase meeting is held at the PSC. Chair Steele thanked the representatives from the PSC for their report and asked Allen Luttrell, Acting Director of the Division of Mine Permits, to give a status update on the backlog of pending permit applications before the division and the recent staffing increases undertaken to address the issue.

Mr. Luttrell stated that there were 90 full-time positions within the division for permit review, but be-

cause of budget shortfalls in the past 4 years, at one point there were 23 positions that could not be funded. These staffing shortages resulted in delayed approval for permit applications. Of the total 757 pending applications, 181 are delinquent (24% delinquency rate), which is considerably lower than the 32% delinquency rate from just 2 months ago. The delinquency rate for amended applications is 35% (50 of 141 amended applications are delinquent). With retirements and budget shortfalls, money was not available to fund the positions to review the permit applications, so they simply were not reviewed. Due to recent hires, 81 of the 90 full-time positions are now filled, and 7 more positions are currently in the process of being filled. Additionally, there is a 19-employee expansion, 4 of which are part-time positions that are being filled by formerly retired employees. Subsidence and blasting reviews had previously been major bottlenecks slowing down the process. However, with the recent hires, the backlogs for those reviews are being significantly reduced. The backlog for blasting reviews is down from about 60 to 17 and the backlog for subsidence reviews is down to about 3. Engineering and data entry positions are also being filled to address significant employee shortages.

Sen. Boswell said that most agencies had budget cuts of 6% over the last biennium and we know that we are facing a budget shortfall for the 2010 Session of the General Assembly. He then asked how the division would be able to handle another 6% budget cut. Mr. Luttrell answered that 4 years ago, the division had about a 5% delinquency rate for pending applications. Consecutive 6% cuts in the following years caused the division to be put into the position where it found itself just a couple of months ago. Hopefully, anything submitted to the division for approval after January will be subject to a delinquency rate of below 5%. Any budget cuts will put this goal in jeopardy.

Larry Arnett, Deputy Commissioner of the Department for Natural Resources, commented that new assessments that have been levied on the coal industry are funding the staffing expansions that Mr. Luttrell had been discussing. These new assessments have been put into place under Governor Beshear's initiative and with the cooperation of the coal



industry.

Rep. Couch asked if the members of this subcommittee and the Subcommittee on Energy could receive a walkthrough of the division's permitting process. Mr. Luttrell said that he would be glad to provide the members with that information. Rep. Couch went on to ask why it had taken so long to address this staffing shortfall. Mr. Luttrell responded that the funding was simply lacking. Now with the new assessments, the money is available to fill these positions. Rep. Couch then asked about status of the mining applications that had been put on hold by the US EPA. Mr. Luttrell answered that those were 404 permits and under the jurisdiction of the US Army Corps of Engineers. US EPA has oversight over the Corps for those permits. He would be glad to find information for Rep. Couch regarding those permits, but he did not have that information with him.

Len Peters, Secretary of the Energy and Environment Cabinet, added that originally there were 77 applications, and later 67 applications, that had been put on hold. Currently, there are 49 permit applications being reviewed. The cabinet has been in contact with the US Army Corps of Engineers and the US EPA to encourage them to finish their reviews as quickly as possible.

Rep. Hall commented that he was glad to see the actions the division had taken to reduce the delinquency rate and he wanted to remind the committee members that the mining industry agreed to a fee increase from \$350 to \$2,000 to help pay for these staffing increases. Rep. Hall then asked if people had been borrowed from the Division of Abandoned Mine Lands (AML) to fill these staffing positions. Mr. Luttrell said that they had hired previous AML employees to help fill some of those positions. Rep. Hall said that the coal industry had stepped up to make the money available for funding these positions and that more money would probably be made available by the industry if it were needed.

Sen. Boswell asked how federal law influenced the timeline for permit application review. Mr. Arnett responded that the timelines for permit application review were established in state statute, but that the state had no control over the 404 permits that were currently being reviewed by US EPA and US Army Corps of Engineers.

Co-Chair Leeper said that he appreciated the coal industry stepping up to help solve their own problem by agreeing to increase permit application fees. As we begin to consider budgeting issues for the coming General Assembly, more industries will need to do the same. If we have a December meeting, we will be inviting the PSC back to give their full storm damage cleanup report.

Rep. Couch commented that he wanted to make sure that the fees paid by the industry to fund these new positions at the division were not taken during the budgeting process to be used for other purposes.

Co-Chair Leeper said that he very much appreciated that the industry had stepped up to help solve this problem and that it would not go unnoticed.

Chair Steele thanked Mr. Luttrell and the other cabinet officials for their testimony. Chair Steele further thanked Natural Resources Commissioner Carl Campbell for the work that he had done. There being no further business, the meeting was adjourned.

## **CAPITAL PROJECTS AND BOND OVERSIGHT COMMITTEE**

### **Minutes**

**November 17, 2009**

The Capital Projects and Bond Oversight Committee met on Tuesday, November 17, 2009, at 1:00 PM, in Room 169 of the Capitol Annex. Representative Susan Westrom, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Bob Leeper, Co-Chair; Representative Susan Westrom, Co-Chair; Senator Julian M. Carroll; Representatives Robert R. Damron, Steven Rudy, and Jim Wayne.

Guests: Bob Wiseman and Rob Mullens, University of Kentucky; Larry Owsley, University of Louisville; Sandy Williams and John Covington, Kentucky Infrastructure Authority; John Hicks, Governor's Office for Policy and Management; Sam Ruth, Department for Facilities and Support Services; Katie Smith, Department of Financial Incentives, Economic Development Cabinet; Tom Howard and Brett Antle, Office of Financial Management; Rick McQuady and John Herald, Kentucky Housing Corporation; and Scott Aubrey, Division of Real Properties.

LRC Staff: Don Mullis, Kristi Culpepper, and Samantha Gange.

Representative Westrom called on Don Mullis, Committee Staff Administrator, to discuss correspondence and information items. Mr. Mullis said members' folders contained several correspondence items; a notice of advertisement of lease spaced from the Finance and Administration Cabinet; a report from the Division of Real Properties on Energy Efficiency in Leased-in Facilities; and correspondence from the Kentucky Infrastructure Authority (KIA) in response to members' questions at the October meeting.

Next Mr. Mullis noted that members' folders also contained several information items: a memo from Kristi Culpepper, Committee Analyst, regarding KIA Fund A loans to the Department of Parks; another memo from Ms. Culpepper regarding appropriation-supported debt service and authorized but unissued debt; and the staff and bond market updates.

Mr. Mullis then reported that KIA staff has requested a correction be made to the June 16, 2009 minutes. The minutes reflect an incorrect loan amount of \$2 million for a Fund A loan for Sanitation District No. 1. The correct loan amount as reported to the Committee was \$2.2 million.

Representative Wayne made a motion to approve the amended minutes of the June 16, 2009 meeting. The motion was seconded by Senator Leeper and approved by voice vote.

Representative Westrom called on Bob Wiseman, Vice President for Facilities Management, University of Kentucky (UK) to present several projects. Mr. Wiseman asked for the Committee's approval of an unbudgeted project to replace the Wildcat Lodge Student Housing. The project scope is \$7 million from private funds. The Wildcat Lodge is a residential facility that houses the men's basketball team and other university students. This project will replace the renovation of Wildcat Lodge, which the Committee approved at its January 2009 meeting. The project was approved by the UK Board of Trustees as well as the Council on Postsecondary Education (CPE).

Representative Wayne asked who occupies the housing facility and how are the residents selected. Mr. Wiseman said that under NCAA rules, 51 percent of the residents of the facility have to be non-athletes and the other 49 percent are men's basketball team players. He said the facility would comprise 36 to 40 beds. Mr. Wiseman indicated that the non-

athletes are selected through UK's housing office.

In response to another question from Representative Wayne, Rob Mullens, Deputy Athletics Director, UK, said all women's basketball players are placed in the newly built dorms.

Representative Wayne asked what message does it send to the women basketball players when the men basketball players have their own separate housing facility. Mr. Mullens indicated that because of the attention the men's basketball team receives, there is a different security interest than the women's basketball team from a fan-attracting standpoint. Mr. Wiseman added that all student housing is important to UK.

Representative Wayne said he was concerned about discrimination as well as a caste system on UK's campus. Mr. Wiseman responded that even though the women and men's basketball teams are separate, the women are placed in comparable housing to the men's team. He said he thought that UK is treating the women athletes the same as the men athletes.

Senator Carroll commented that the funds to build the Wildcat Lodge are coming from private donors and it is unlikely that UK would receive private funds for a women's basketball housing facility.

Representative Wayne asked if there had been a name change to the new Wildcat Lodge. Mr. Wiseman said that the UK Board of Trustees approved the name of the Wildcat "Coal" Lodge at their October meeting. He indicated that the donors requested the name. Representative Wayne commented that he had serious concerns about the facility as well as the name.

In response to a question from Representative Rudy, Mr. Wiseman said the 51 percent of the non-athlete residents are all male.

Representative Damron made a motion to approve the Wildcat Lodge housing project. The motion was seconded by Senator Carroll. Five members voted affirmatively, and one member voted "No." The motion passed.

Next Mr. Wiseman asked the Committee for its approval of an unbudgeted project for the renovation of Nutter Training Center football meeting rooms. The project scope is \$750,000 from private funds. The project will renovate existing space

to provide a larger meeting area with theater-style seating to be used by the offensive, defensive, and individual position meeting rooms. The project was approved by the UK Board of Trustees and CPE.

Representative Rudy made a motion to approve the Nutter Training Center project. The motion was seconded by Representative Damron and passed unanimously by roll call vote.

Mr. Wiseman asked for the Committee's approval to increase the amount of federal funds for the renovation of the Nursing Building. The revised scope will be unchanged at \$3,088,000, but the amount of federal funds will increase up to \$1,883,970. The funding source is the U.S. Department of Health and Human Services and the funds will be used to increase the amount of student space on the third floor of the Nursing Building. The project was approved by the UK Board of Trustees and CPE.

Representative Rudy made a motion to approve the increase. The motion was seconded by Senator Leeper and passed unanimously by roll call vote.

Representative Westrom called Larry Owsley, Vice President for Business Affairs, University of Louisville, to the table. Mr. Owsley asked for the Committee's approval of a scope increase of \$1 million for the Expand and Renovate the Dental School project for a revised scope of \$43,700,000. The restricted funds are derived from internal sources and are required to meet higher than expected bids. The funds will be used to renovate 92,000 gross square feet (gsf) of the Dental School and construct a 14,300 gsf addition to create a state-of-the-art operation and refurbish waiting areas and associate laboratory/examining areas.

Representative Wayne made a motion to approve the increase. The motion was seconded by Senator Carroll and passed unanimously by roll call vote.

Next Representative Westrom called on John Covington, Executive Director, KIA, and Sandy Williams, Financial Analyst, KIA; and John Hicks, Deputy Director, Governor's Office for Policy and Management, to present several loans. Ms. Williams said that the first loan request was a \$500,000 Fund A loan for the Commonwealth of Kentucky Department of Parks, General Burnside State Park in Pulaski County for construction

of an in-ground pumping station, force main, sewage holding tank, gravity connection piping, and other improvements. The loan term is 20 years with an interest rate of three percent. The funding for this loan comes from the American Recovery and Reinvestment Act.

The second loan request was a \$500,000 Fund A loan for the Commonwealth of Kentucky Department of Parks, Green River State Park in Taylor County for the installation of two pump stations and a new force main. The loan term is 20 years with an interest rate of three percent. The funding for this loan comes from the American Recovery and Reinvestment Act.

The third loan request was a \$2.5 million Fund A loan for the Commonwealth of Kentucky Department of Parks, Pennryle Forest State Resort Park in Hopkins, Christian, and Caldwell Counties to replace a 50-year-old wastewater treatment plant. The loan term is 20 years with an interest rate of three percent. The funding for this loan comes from the American Recovery and Reinvestment Act.

Senator Leeper said he was concerned that these projects will create long-term debt of the Commonwealth that will likely be paid from the Department of Parks' operating budget or the state's general fund. Additionally, he said that the General Assembly has not specifically appropriated funds for these loans. Senator Leeper indicated he would not be comfortable setting this precedent. Mr. Hicks said he believes that action has already been taken by the General Assembly to authorize these projects. He said first, in 1988 the General Assembly gave KIA the authority to make loans to state agencies. Secondly, the capital construction section of the budget bill gives the Executive Branch the authority to finance KIA water and sewer projects that are not specifically identified. Lastly, these funds are 100 percent federally-funded through the American Recover and Reinvestment Act and KRS 45.760(14) provides that a capital construction project may be authorized even though it is not specifically listed in the Appropriations Act, if 50 percent or more of the cost is funded by federal or private funds.

Senator Carroll asked what the precedent was for this in the past and what amount of funds would be required in the next budget to make the Parks' annual debt-service pay-

ments. Mr. Hicks said that there is no precedent for KIA loans to state agencies. He said that the debt service payments for the General Burnside and Green River projects would be \$16,491 each annually and the Pennryle project would be \$82,453 annually, totaling \$115,435 annually for all three projects.

In response to another question from Senator Carroll, Ms. Williams said all three Parks' projects are 100 percent funded through the American Recovery and Reinvestment Act.

Senator Carroll asked if KIA would lose the American Recovery and Reinvestment Act funds if the Committee did not approve the Parks' projects. Senator Leeper commented that the way he understood it was that KIA would reallocate that money to other projects and the stimulus funds would not be lost. Mr. Covington responded that the money would not be lost because KIA has made contingency plans in case of projects not being able to meet the required construction start date of February 16, 2010 or if projects were not approved by the KIA Board or the Committee.

Representative Damron commented that KIA has other projects that would qualify for stimulus funding. He also said that he did not understand why the Executive Branch could not wait until January 2010 when the General Assembly is in session and can make the decision of what funds it wants to appropriate.

Representative Westrom requested a motion to approve the project. No motion was made, and the three Fund A loans to the Department of Parks were not approved.

Next Ms. Williams presented a fourth Fund A loan request for the City of Bowling Green in Warren County. The City is requesting an increase in the amount of \$8,428,680 to the \$43,307,280 Fund A loan approved by the Committee at the May 2008 meeting. The increase results from the change in the way the utility will handle bio-solids. The new loan amount is \$51,735,960 with a 20 year term and an interest rate of one percent.

Representative Westrom asked if this was the largest Fund A loan KIA has made. Ms. Williams responded that KIA has made several other large loans to borrowers that serve big communities.

Ms. Williams said the fifth loan request was a \$7.5 million Fund A loan for the City of Hopkinsville in

Christian County for the Phase VI Sewer project. The loan term is 20 years with an interest rate of two percent.

The sixth loan request was a \$122,429 Fund A loan increase to the \$489,469 Fund A loan approved by the Committee in October 2009 for the City of Falmouth in Pendleton County for the Pendleton County High School Extension project. The new loan amount is \$611,898 with a 20 year term and an interest rate of one percent. The funding for this loan comes from the American Recovery and Reinvestment Act.

Senator Carroll made a motion to approve the three Fund A loan requests. The motion was seconded by Representative Rudy and passed unanimously by roll call vote.

The seventh loan request was a \$3,251,590 Fund F loan for the City of Hardinsburg in Breckinridge County for the McQuady to Cloverport and Rough River/Highway 259 East Waterline Extension project. The loan term is 20 years with an interest rate of one percent.

The eighth loan request was a \$1,590,604 Fund F loan for the City of Greenup in Greenup County for the Phase VII Waterline Extension project. The loan term is 20 years with an interest rate of two percent. The funding for this loan comes from the American Recovery and Reinvestment Act.

Representative Westrom asked if there was a backup plan in place in case the Community Development Block Grant is not awarded to the City of Greenup. Ms. Williams said that KIA has been working very closely with the federal grant office with the Department of Local Government to ensure the grant will be awarded. She said that if the grant is not awarded KIA has a contingency plan in place.

Representative Rudy made a motion to approve the two Fund F loans. The motion was seconded by Representative Wayne and approved unanimously by roll call vote.

Ms. Williams indicated that various coal and tobacco development grants authorized by the General Assembly were included in members' folders. Each project was authorized in a budget bill and no further Committee action was needed.

Representative Westrom called on Katie Smith, Deputy Commissioner, Department of Financial Incentives, Economic Development Cabinet, to present a report. Ms.



Smith reported an amendment to a previously approved Economic Development Bond (EDB) grant. In January 2009, the Committee approved a \$100,000 EDB grant for the City of Richmond for the benefit of Sub-Zero Wolf, Inc. to assist with locating a new manufacturing facility. Sub-Zero agreed to create a minimum of 100 new, full-time jobs by December 2011 and maintain the 100 jobs and wages for an additional three years. As a result of the recent economic downturn, the company requested an extension of the timeframe to meet the job and wage requirement from December 2011 to December 2013. The Kentucky Economic Development Finance Authority (KEDFA) approved the extension at its Board meeting. No Committee action was required.

Next Representative Westrom called Tom Howard, Executive Director, Office of Financial Management (OFM), and Brett Antle, Deputy Director, OFM, to the table. Mr. Antle first reported two new bond issues. The first new bond issue was for the State Property and Buildings Commission (SPBC) Road Fund Revenue Refunding Bonds, Project No. 73 (Third Series) in a principal amount not to exceed \$15 million. This bond issue will refund bonds from SPBC Project 73 for present value savings (estimated at 2.848 percent of refunded bonds).

Senator Carroll made a motion to approve the new SPBC bond issue. The motion was seconded by Representative Rudy and passed unanimously by roll call vote.

Mr. Antle then reported the second new bond issue for KEDFA Healthcare Facilities Revenue Bonds, Series 2009 (Madonna Manor, Inc.) in an amount not to exceed \$33 million. Proceeds from this conduit bond issue will finance the acquisition, construction, and equipping of health care facilities at 2344 Amsterdam Road in Villa Hills, Kentucky.

Representative Wayne made a motion to approve the KEDFA bond issue. The motion was seconded by Representative Wayne and passed unanimously by roll call vote.

Next Mr. Antle reported a change to a bond issue for KEDFA Healthcare Facilities Revenue Bonds, Series 2009 and Series 2010 (Masonic Homes of Kentucky, Inc. project). This bond issue was approved by the Committee in July 2008 and is being resubmitted by KEDFA with some changes. However, the amount of bonds, use

of proceeds, and source of repayment have not changed. Proceeds from this conduit bond issue will 1) construct and equip a new 186,000 square foot healthcare facility in Louisville to provide 136 skilled care nursing beds and inpatient and outpatient rehabilitation, dialysis, and dementia services; and palliative care; and 2) refinance a \$2 million line of credit established to pay for improvements to long-term care facilities located in Shelby County.

Senator Carroll made a motion to approve the change for the KEDFA bond issue. The motion was seconded by Representative Rudy and passed unanimously by roll call vote.

Representative Westrom asked Rick McQuady, Chief Executive Officer, Kentucky Housing Corporation (KHC), and John Herald, Chief Financial Officer, KHC, to report on the status of KHC's participation in the U.S. Treasury's New-Issue Bond program. Mr. McQuady said the Commonwealth of Kentucky was allocated approximately \$220 million for single-family bonds and \$46 million for multi-family bonds. This represents the long-term portion of any debt that KHC would issue. Mr. McQuady said this bond issue should close by December 23, 2009. No Committee action was needed. (At the Committee's October 2009 meeting, the Committee approved KHC to take the necessary steps to participate in this new program offered by the federal government.)

Mr. Antle returned to the table to report three new bond issues with the School Facilities Construction Commission (SFCC) debt participation for East Bernstadt Independent in Laurel County, Franklin County, and Jackson Independent in Breathitt County.

Representative Wayne made a motion to approve the three new SFCC bond issues. The motion was seconded by Representative Rudy and approved unanimously by roll call vote.

Representative Westrom called Mr. Hicks and Sam Ruth, Commissioner of Facilities and Support Services, Finance and Administration Cabinet, to the table. Mr. Hicks said the Finance and Administration Cabinet is reporting its approval of a new Emergency Repair, Maintenance, or Replacement project for the North-point Training Center in the amount of \$687,000. The project was necessitated by the riot that occurred in August 2009 and required the removal

of debris from six buildings, some of which involved asbestos removal. Mr. Ruth said the removal of the debris has been completed. Funding for this project is provided from a portion of the insurance proceeds.

In response to a question from Representative Westrom, Mr. Hicks said the state converted the North-point facility into a medium-security correctional institution in 1982.

Senator Carroll asked how much the insurance proceeds were. Mr. Ruth said the insurance has not been settled yet. Mr. Hicks said the insurance proceeds are expected to finance the replacement of the six buildings that were lost to the fire as well as the re-housing of the inmates.

Senator Carroll made a motion to approve the project. The motion was seconded by Representative Wayne and passed unanimously.

Next Mr. Hicks said the Finance and Administration Cabinet is reporting its approval of a 100 percent federally-funded project for the Department of Military Affairs, Bluegrass Station for the Domestic Water Line Replacement project. The project scope is \$1,900,000 and will replace all existing cast iron water lines and incorporate the use of the existing underground concrete clear wells for fire water storage and pump station at Bluegrass Station in Fayette County. The project is funded by the American Recovery and Reinvestment Act through KIA's Drinking Water Revolving Loan Program (Fund F). Debt service for the loan will be paid from restricted funds generated by the operations of the station.

Senator Carroll asked if there was General Assembly authorization to repay the loan. Mr. Hicks said the repayments of the loan will be paid from the operating budget of the Department of Military Affairs, Bluegrass Station and future repayments of the loan must be authorized by the General Assembly every two years.

Senator Carroll made a motion to approve the unbudgeted project for Bluegrass Station. The motion was seconded by Representative Rudy and passed unanimously by roll call vote.

Representative Westrom indicated that the unbudgeted project for Tourism, Arts, and Heritage Cabinet, Department of Parks at Pennyriple Lake State Resort Park, has been removed from the agenda because of a lack of motion and approval from the Committee of the KIA Fund A loan for the Pennyriple project.

Next Mr. Hicks said the Finance and Administration Cabinet is reporting its approval of an allocation from the Capital Construction and Equipment Purchase Contingency Account for the Personnel Cabinet in the amount of \$1,580,000 to provide additional funding for the Kentucky Human Resources Information system (KHRIS). The total project scope is \$27,648,056. In addition, the Personnel Cabinet will be requesting additional funding in the 2010-2012 budget to meet the expected costs of the project.

Representative Wayne made a motion to approve the allocation. The motion was seconded by Representative Rudy and passed unanimously by roll call vote.

Next Representative Westrom asked Scott Aubrey, Assistant Director, Division of Real Properties, Finance and Administration Cabinet, to report two items relating to leases. Mr. Aubrey reported one emergency lease. He said that the Finance and Administration Cabinet has declared an emergency under KRS 56.805 to allow for procurement of temporary storm debris storage sites for the Transportation Cabinet. No action is required for emergency leases.

Mr. Aubrey said the second lease report was a lease modification for the Cabinet for Health and Family Services (Cabinet) in Jefferson County (PR-4948). The Cabinet has requested an allocation of 1,120 square feet of space in the common area to allow use of the ADA entrance for both floors being used. The improvements will consist of a door conversion to permit motorized wheelchairs, awning, and modification to the X-ray room. The cost of improvement is \$8,813.08 and will be amortized over the remaining lease term (through June 30, 2016). No Committee action is required.

With there being no further business, Representative Wayne made a motion to adjourn the meeting. The motion was seconded and the meeting adjourned at 2:15 p.m.

## **ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**

### **Minutes of the November Meeting of the 2009 Interim November 10, 2009**

The November meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, November 10, 2009, at 1:00 PM, in Room 154 of the Capitol Annex. Senator Elizabeth Tori, Chair, called

the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Elizabeth Tori, Co-Chair; Representative Leslie Combs, Co-Chair; Senators Alice Forgy Kerr, and Joey Pendleton; Representatives Robert R. Damron, Danny Ford, and Jimmie Lee.

Guests: Joe Cowles, Personnel Cabinet; Jim Grawe, Board of Chiropractic Examiners; Jay Davidson, Margaret Haxlette, Kentucky Board of Social Work; Margaret Everson, Benjy Kinman, Rocky Pritchert, Department of Fish and Wildlife Resources; Donna Duncan, Catherine Staib, Chuck Willis, Economic Development Cabinet; Caroline Mudd, Mark Mangeot, Chuck Massarone, Joey Stanton, Charles Wilkerson, Verman Winburn, Kentucky Parole Board; Ann Dangelo, Kim Jenkins, Willie Payton, Randall Royer, Todd Shipp, Alice Wilson, Transportation Cabinet; Kevin Brown, Denise Hagan, Leigh Ann Welch, Charlotte Beason, Sandi Clark, Karen Erwin, Department of Education; Bill Denton, Clay Lamb, Education and Workforce Development Cabinet; Johnny Greene, Mike Haynes, Office of Mine Safety; William Nold, Department of Insurance; Michael Bennett, Dan Chapman, Department of Housing, Buildings and Construction; Carolyn Kisler, Anne Swinford, Mike Weinrauch, Cabinet for Health and Family Services.

LRC Staff: Dave Nicholas, Donna Little, Sarah Amburgey, Emily Harkenrider, Karen Howard, Emily Caudill, Jennifer Beeler, and Laura Napier.

The Administrative Regulation Review Subcommittee met on Tuesday, November 10, 2009, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

PERSONNEL CABINET: Office of the Secretary: Personnel Cabinet, Classified

101 KAR 2:210 & E. 2010 Plan Year Handbook for the Public Employee Health Insurance Program. Joe Cowles, deputy executive director, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) to amend Sections 1 and 2 to comply with the drafting and format requirements of KRS Chapter 13A. Without

objection, and with agreement of the agency, the amendments were approved.

GENERAL GOVERNMENT CABINET: Board of Chiropractic Examiners: Board

201 KAR 21:041. Licensing; standards, fees. Jim Grawe, general counsel, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Sections 1, 2, and 3 to comply with the drafting and format requirements of KRS Chapter 13A; and (4) to amend the forms incorporated by reference to conform to this administrative regulation and applicable statutory provisions. Without objection, and with agreement of the agency, the amendments were approved.

Board of Social Work: Board

201 KAR 23:075. Continuing education. Jay Davidson, vice chair; Jim Grawe, general counsel; and Margaret Hazlette, executive director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to correct statutory citations; and (2) to amend Sections 1 to 8, 11, and 12 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Fish

301 KAR 1:015. Boats and motor restrictions. Margaret Everson, counsel, and Benjy Kinman, deputy commissioner, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add a statutory citation; and (2) to amend Sections 1, 4, and 6 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Game

301 KAR 2:225 & E. Dove, wood duck, teal and other migratory game

bird hunting.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) to amend Sections 5 and 6 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR ECONOMIC DEVELOPMENT: Kentucky Economic Development Finance Authority: Kentucky Reinvestment Act (KRA)

307 KAR 9:010 & E. Application for Kentucky Reinvestment Act Program. Donna E. Duncan, commissioner, and Catherine Staib, assistant general counsel, represented the authority.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 and 3 to: (1) correct citations; and (2) to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

JUSTICE AND PUBLIC SAFETY CABINET: Kentucky Parole Board: Board

501 KAR 1:030. Determining parole eligibility. Caroline W. Mudd, parole board chair; Mark Mangeot, Justice and Public Safety Cabinet; and Verman R. Winburn, parole board member, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3(1)(a) and (b) to limit the fifteen (15) percent initial parole eligibility date to nonviolent Class D offenders with a one (1) to five (5) year sentence in accordance with KRS 439.340(3)(a); (2) to amend Section 3(1)(d) to conform the parole eligibility standards for violent offenders to the violent offender statute, KRS 439.3401; (3) to amend Section 3(1)(p) to allow a two (2) member hearing panel for returning parolees in accordance with KRS 439.320(4); (4) to delete Section 3(2), eligibility standards for participants in the First Incarceration Shock Treatment (FIST) Program, as the program is no longer in effect; (5) to amend appeal procedures to re-

quire a quorum to overturn a denial of parole; and (6) to amend Sections 1, 3, and 4 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Vehicle Licensing: Motor Vehicle Tax

601 KAR 9:130. Motor vehicle registration. Ann D'Angelo, assistant general counsel; Kim Jenkins, legislative liaison; and Todd Shipp, senior counsel and special assistant, represented the division.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 9, 11 through 13, and 17 through 19 to comply with the drafting and format requirements of KRS Chapter 13A; and (2) to amend Sections 16 and 17 to clarify the procedure if a special license plate application is proposed to the General Assembly in addition to going through the routine procedure. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education: Office of Chief State School Officer

701 KAR 5:031. Repeal of 701 KAR 5:035. Kevin C. Brown, general counsel, and Denise Hagan, acting director, represented the department.

Food Service Program

702 KAR 6:010. Local responsibilities.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) to amend Sections 2 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

702 KAR 6:020. District school nutrition director.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required



by KRS 13A.220; and (3) to amend Sections 1 through 3 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

702 KAR 6:031. Repeal of 702 KAR 6:030.

702 KAR 6:040. Personnel; policies and procedures.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Sections 4 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

702 KAR 6:045. Personnel; school nutrition employee qualifications.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, 5, and 6 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

702 KAR 6:075. Reports and funds.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) to amend Sections 1, 2, 4, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

702 KAR 6:090. Minimum nutritional standards for foods and beverages available on public school campuses during the school day; required nutrition and physical activity reports.

A motion was made and seconded to approve the following amendments: to amend Sections 2 through 5 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with

agreement of the agency, the amendments were approved.

School Terms, Attendance and Operation

702 KAR 7:125. Pupil attendance.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Sections 1, 2, 3, 10, 12, and 16 to comply with the drafting and format requirements of KRS Chapter 13A; (4) to amend Section 3 to specify that a full day of attendance shall be recorded for a pupil in attendance at least sixty-five (65) percent, rather than more than eighty-four (84) percent, of the regularly-scheduled school day; and (5) to amend Section 14 to specify when to use the designation "Hispanic/Latino". Without objection, and with agreement of the agency, the amendments were approved.

702 KAR 7:140. School district calendar.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE to clarify that this administrative regulation covers school calendars; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220. Without objection, and with agreement of the agency, the amendments were approved.

Health and Physical Education Programs

704 KAR 4:020. School health services.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Sections 1, 2, 4, 5, and 6 to comply with the drafting and format requirements of KRS Chapter 13A; and (4) to amend the material incorporated by reference to update one of the required forms. Without objection, and with agree-

ment of the agency, the amendments were approved.

Department of Workforce Investment: Office of Career and Technical Education: Personnel System for Certified and Equivalent Employees

780 KAR 3:020. Compensation plan. Bill Denton, ombudsman, and Clay Lamb, staff attorney, represented the office.

In response to a question by Senator Kerr, Mr. Denton stated that the fee rate increase for a lesson plan was necessary based on the time it took to review the plan.

In response to questions by Representative Damron, Mr. Denton stated that the fee was last raised in Spring 2009 and that the estimated fiscal impact was \$1,500. He also stated that all of the funding was federal.

780 KAR 3:072. Attendance, compensatory time, and leave for certified and equivalent service.

Unclassified Personnel Administrative Regulations

780 KAR 6:062. Attendance, compensatory time and leave for unclassified service.

ENERGY AND ENVIRONMENT CABINET: Department for Natural Resources: Office of Mine Safety and Licensing: Division of Mining

805 KAR 5:030. Prohibition against working or traveling under an unsupported roof; penalties. Johnny Greene, executive director, and Mike Haines, general counsel, represented the division.

In response to a question by Co-Chair Combs, Mr. Greene stated that the administrative regulation was concerned with deleting superfluous adjudicating language. He also stated that the administrative regulation, as amended, would comply with current statutes.

A motion was made and seconded to approve the following amendments: (1) To amend the RELATES TO and STATUTORY AUTHORITY paragraphs to delete superfluous citations; (2) To amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) To amend Sections 1 through 3 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Miner Training, Education and Certification

805 KAR 7:060. Program approval.

A motion was made and seconded to approve the following amendments: (1) To amend the STATUTORY AUTHORITY paragraph to correct citations; (2) To amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) To amend Sections 2 and 3 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Sanctions and Penalties

805 KAR 8:060. Criteria for the imposition and enforcement of sanctions against licensed premises.

A motion was made and seconded to approve the following amendments: (1) To amend the RELATES TO paragraph to add a statutory citation; and (2) To amend Sections 2 and 3 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Department of Insurance: Health and Life Division: Trade Practices and Frauds

806 KAR 12:070. Life insurance application requirements. William Nold, director of the Health and Life Division, represented the division.

A motion was made and seconded to approve the following amendments: (1) To amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) To amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Life Insurance and Annuity Contracts

806 KAR 15:080. Paid-up life insurance policies.

In response to questions by Representative Damron, Mr. Nold stated that this administrative regulation only affected the reporting process. He also stated that the original reporting process provided for two (2) electronic reporting systems, but one (1) of the two (2) was never used and is being deleted because it was not used and it did not report data in a

format the division needed. He added that the division had not yet had a request from a consumer regarding if a policy was paid up, but did have a system in place if such a request was received.

In response to questions by Representative Lee, Mr. Nold stated that a different administrative regulation was in place to address issues of disclosure to insureds regarding long-term care policies. He also stated that this administrative regulation only covered policies purchased after 2003, when rate stabilization was required based on actuarial tables. Policies in place prior to rate stabilization had a different process for approving rate increases. He added that the Department of Insurance had denied some rate increase requests.

In response to questions by Representative Damron, Mr. Nold stated that problems with insurance pools losing members who did not use the policies was not as big of an issue with long-term care policies as it had been with health policies, such as cancer policies. He also stated that the main problem was that the insurance industry had overestimated the number of policies that would lapse due to death or nonpayment. He added that the division had stringent disclosure requirements.

Representative Damron stated that it was difficult for many seniors to understand the complicated terms of these contracts even with the disclosure requirements.

A motion was made and seconded to approve the following amendment: to amend Section 5 to correct a statutory citation. Without objection, and with agreement of the agency, the amendment was approved.

#### Health Insurance Contracts

806 KAR 17:020. Disclosure of other coverage in application.

A motion was made and seconded to approve the following amendments: (1) To amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly establish the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) To amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

806 KAR 17:391E. Repeal of 806 KAR 17:390, 17:400, 17:410, 17:420, 17:430.

806 KAR 17:570 & E. Minimum

standards for Medicare supplement insurance policies and certificates.

Department of Housing, Buildings, and Construction: Division of Building Code Enforcement: Manufactured Homes and Recreational Vehicles

815 KAR 25:100. Alternative dispute resolution and mediation program. Michael D. Bennett, staff attorney, and Dan Chapman, supervisor, represented the division.

In response to a question by Representative Lee, Mr. Chapman stated that local governments were authorized by statute to pass more stringent requirements than the state requirements for manufactured homes as long as the minimum state requirements were met.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to correct a statutory citation; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to make technical corrections; and (3) to amend Sections 2 through 4 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

#### Electrical Inspectors

815 KAR 35:080. Code of ethics.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to add a citation to the executive order that reorganized the department; and (2) to amend Section 1 to comply with the drafting and format requirements of KRS Chapter 13A; to add proof of compliance with KRS 227A.040(8), which requires the department to accept comments and advice from the Electrical Advisory Committee prior to promulgation of this administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Commission for Children with Special Health Care Needs: Division of Clinical and Augmentative Services: Children with Special Health Care Needs Services

911 KAR 1:085. Early hearing detection and intervention program. Carolyn Kisler, audiology and early hearing development intervention branch manager, and Anne Swinford, division director, represented the division.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3(6) to specify a December 1 deadline to apply for continuing approval as an infant audiological assessment and diagnostic center; (2) to amend Section 5 to specify notice and hearing procedures for complaints against approved centers; (3) to amend Section 6(1) to require a center to submit documentation of referrals to the Kentucky Early Intervention System in accordance with KRS 211.647(5); (4) to amend Section 9(1) to clarify that the newborn auditory screening must include at least one (1) of the three (3) listed tests; and (5) to amend Sections 2, 3, 5, 6, 9, and 10 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Other Business: Dave Nicholas introduced a new Subcommittee staff member, Chad Collins. Members of the Subcommittee welcomed Mr. Collins.

The following administrative regulations were deferred to the December 8, 2009, meeting of the Subcommittee:

COUNCIL ON POSTSECONDARY EDUCATION: Nonpublic Colleges

13 KAR 1:040. Definitions for independent colleges.

PERSONNEL CABINET: Office of the Secretary: Personnel Cabinet, Classified

101 KAR 2:066 & E. Certification and selection of eligibles for appointment.

101 KAR 2:120. Incentive programs.

FINANCE AND ADMINISTRATION CABINET: Office of the Secretary: Purchasing

200 KAR 5:315. Suspension.

GENERAL GOVERNMENT CABINET: Kentucky Real Estate Commission: Commission

201 KAR 11:190. Disciplinary proceedings.

201 KAR 11:250. Listing and purchase contracts and other agreements entered into by licensees; provisions required; seller-initiated relisting request disclosure form.

Board of Speech-Language Pathology and Audiology: Board

201 KAR 17:011. Requirement for interim licensure as a Speech Language Pathologist.

201 KAR 17:012. Requirements for licensure of a Speech-Language

Pathologist.

201 KAR 17:025. Requirements for an interim license as a Speech-Language Pathology assistant.

201 KAR 17:027. Supervision requirements and caseload limitations of Speech-Language Pathology Assistants.

201 KAR 17:030. License fees and renewal requirements.

201 KAR 17:032. Requirements for interim licensure as an Audiologist.

201 KAR 17:034. Requirements for licensure as a Speech-Language Pathology Assistant.

201 KAR 17:036. Requirements for licensure for an Audiologist.

201 KAR 17:038. Caseload limitations.

201 KAR 17:041. Professional code of ethics.

201 KAR 17:090. Continuing education requirements.

201 KAR 17:100. Clinical practice by licensed speech-language pathologists and audiologists in the area of minor training.

Board of Podiatry: Board

201 KAR 25:012 & E. Licensing examinations.

Board of Licensed Professional Counselors: Board

201 KAR 36:060. Qualifying experience under supervision.

ENERGY AND ENVIRONMENT CABINET: Department for Environmental Protection: Division of Water: Public Water Supply

401 KAR 8:030. Water treatment plant and water distribution system classification and staffing.

Division of Compliance Assistance: Certified Operators

401 KAR 11:001. Definitions for 401 KAR Chapter 11.

401 KAR 11:010. Boards of certification.

401 KAR 11:020. Standards of professional conduct for certified operators.

401 KAR 11:030. Wastewater treatment and collection system operators, classification and qualifications.

401 KAR 11:040. Water treatment and distribution system operators, classification and qualifications.

401 KAR 11:050. Operator certification.

Division of Waste Management: Solid Waste Facilities

401 KAR 47:090. Solid waste permit fees.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Correc-



tions: Office of the Secretary  
501 KAR 6:020 & E. Corrections policies and procedures.  
501 KAR 6:999 & E. Corrections secured policies and procedures.  
Department of Kentucky State Police: Technical Services Division: Polygraph  
502 KAR 20:020. Detection of deception examiners.  
PUBLIC PROTECTION CABINET: Kentucky Horse Racing Commission: Division of Licensing: Harness Racing  
811 KAR 1:070 & E. Licensing standardbred racing.  
CABINET FOR HEALTH AND FAMILY SERVICES: Office of Health Policy: Certificate of Need  
900 KAR 6:125. Certificate of Need annual surveys, and registration requirements for new magnetic resonance imaging units.  
Department for Aging and Independent Living: Division of Guardianship: Guardianship  
922 KAR 5:061. Repeal of 922 KAR 5:060.  
Department for Community Based Services: Division of Family Support: Community Action Agencies  
922 KAR 6:010 & E. Standards.  
The subcommittee adjourned at 1:55 p.m. until December 8, 2009.

**GOVERNMENT CONTRACT REVIEW COMMITTEE**  
**Committee Minutes**  
**December 8, 2009**

The Government Contract Review Committee met on Tuesday, December 8, 2009, at 10:00 AM, in Room 171 of the Capitol Annex. Senator Vernie McGaha, Chair, called the meeting to order, and the secretary called the roll.  
Present were:  
Members: Senator Vernie McGaha, Co-Chair; Representative Dennis Horlander, Co-Chair; Senators Julian M. Carroll, Carroll Gibson, and Elizabeth Tori; Representatives Jesse Crenshaw and Brad Montell.  
Guests: Gary Freeland, Michelle Landers, Paul Gannoe, Jennifer Linton, Ron Gruzesky, Ron Dutta, Dr. Kraig Humbaugh, Gwenda Bond, Patrick McGee, Jeff Mosley, David Holcomb, Rick Chlopan, Rob Ellis, Lisa Beran, Renee Close, Ann Chaney, and Lynsey Womack.  
LRC Staff: Kim Eisner, Matt Ross, and Becky Brooker.  
A motion was made by Senator Carroll to approve Minutes of the November meeting of the committee. Senator Tori seconded the motion,

which passed without objection.  
A motion was made by Senator Carroll to consider as reviewed, the Personal Service Contract List, with exception of those items selected for further review by members of the committee. Senator Gibson seconded the motion, which passed without objection.  
A motion was made by Senator Carroll to consider as reviewed, the Personal Service Contract Amendment List, with exception of those items selected for further review by members of the committee. Senator Gibson seconded the motion, which passed without objection.  
A motion was made by Senator Carroll to consider as reviewed, the Memoranda of Agreement List, with exception of those items selected for further review by members of the committee. Senator Gibson seconded the motion, which passed without objection.  
A motion was made by Senator Carroll to consider as reviewed, the Memoranda of Agreement Amendment List, with exception of those items selected for further review by members of the committee. Senator Gibson seconded the motion, which passed without objection.  
THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE REVIEWED WITHOUT OBJECTION:  
DEPARTMENT FOR AGING & INDEPENDENT LIVING:  
Radical Rehabilitation Solutions, LLC, 1000000612.  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION:  
Petroleum Tank Training Institute, 1000000599.  
DEPARTMENT FOR PUBLIC HEALTH:  
Kentucky Primary Care Association Incorporated, 1000000204.  
EDUCATION, DEPARTMENT OF:  
Multi, 1000000416; Tanya Boyle, 1000000425.  
EDUCATIONAL TELEVISION, KENTUCKY:  
Appalshop, 1000000732.  
FAIR BOARD:  
David H. Snowden, 1000000841; Scarlett W. Mattson, 1000000843.  
FINANCE AND ADMINISTRATION CABINET - DIVISION OF ENGINEERING:  
Godsey Associates Architects Incorporated, 1000000518; Amec Earth & Environmental, 1000000638; K. Norman Berry Associates, 1000000804.  
KY HORSE RACING AUTHORITY:

Morgan & Pottinger, 1000000742.  
KY PUBLIC SERVICE COMMISSION:  
Kentucky Broadcasters Association, 1000000480.  
PUBLIC PROTECTION & REGULATION CABINET:  
Mike Wilson, 1000000864.  
TRANSPORTATION CABINET:  
MPRI Incorporated, 1000000684; VE Group, LLC, 1000000685; URS Corporation, 1000000823; QK4, 1000000838; HMB Professional Engineers Incorporated, 1000000851; WMB Incorporated, 1000000854; Burgess & Niple Incorporated, 1000000895.  
UNIVERSITY OF KENTUCKY:  
C. H. Johnson Consulting Incorporated, K10-129; Diccicco Battista Communications, K10-130.  
VETERANS AFFAIRS, DEPARTMENT OF:  
Veterans of Foreign Wars, 1000000761; American Legion, 1000000766; Multi, 1000000882.  
WESTERN KENTUCKY UNIVERSITY:  
Taylor-Whitney Architects, 091036; Earth Force, 091037.  
THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:  
AUDITOR OF PUBLIC ACCOUNTS, OFFICE OF THE:  
Cotton & Allen, PSC, 0900011692; Cotton & Allen, PSC, 0900013042; Percy & Gray, PSC, 0900013043.  
BOARD OF TAX APPEALS:  
Mike Wilson, 0900011504.  
CABINET FOR HEALTH AND FAMILY SERVICES:  
Goldberg & Simpson, P.S.C., 0800009251.  
DEPARTMENT FOR AGING & INDEPENDENT LIVING:  
Center for Comprehensive Services Incorporated, 0800010370.  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION:  
Tetra Tech Incorporated, 0600002009.  
DEPARTMENT FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES & ADDICTION SERVICES:  
The Change Companies, 0800006861.  
DEPARTMENT FOR PUBLIC HEALTH:  
Matthew 25 Aids Service Incorporated, 0800006802.  
EDUCATION, DEPARTMENT OF:  
Measured Progress, 0800008435.

FINANCE AND ADMINISTRATION CABINET - DIVISION OF ENGINEERING:  
Clotfelter Samokar, P.S.C., 0700003496; Ross Tarrant Architects Incorporated, 0700003580; Roger Cunningham, Cunningham Consultants, 0700006173; John L. Carman & Associates Incorporated, 0800009800; Grossman Chapman Klarer Architects Incorporated, 0900012401.  
JUSTICE CABINET:  
Goldberg Simpson, LLC, 0800011285.  
NORTHERN KENTUCKY UNIVERSITY:  
MGT America Incorporated, 2010515.  
OFFICE OF HOMELAND SECURITY:  
Goldberg & Simpson, P.S.C., 0800008537.  
TRANSPORTATION CABINET:  
Greenman-Pedersen Incorporated, 0600001520; Entran, PLC, 0800010441; HNTB Corporation, 0800010812; Urgent Treatment Center, 0800011172; Florence & Hutcheson, 0900011852; PB Americas Incorporated, 1000000174; Gresham Smith & Partners, C-05260813.  
UNIVERSITY OF KENTUCKY:  
Preston-Osborne, K09-157.  
UNIVERSITY OF LOUISVILLE:  
Arrasmith, Judd, Rapp, Chovan, 0436; Lord, Aeck, & Sargent, 08086.  
WESTERN KENTUCKY UNIVERSITY:  
Kersey & Kersey Architects, 080937.  
THE FOLLOWING MEMORANDA OF AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:  
DEPARTMENT OF ENERGY DEVELOPMENT AND INDEPENDENCE:  
Finance & Administration Cabinet, 1000000151; Economic Development, 1000000158; Governor's Office of Agricultural Policy, 1000000776; Finance & Administration Cabinet, 1000000780; Department of Local Government, 1000000781.  
MILITARY AFFAIRS, DEPARTMENT OF:  
Big Sandy Area Development District, 1000000435.  
OFFICE OF THE GOVERNOR, DEPARTMENT FOR LOCAL GOVERNMENT:  
Ohio County Fiscal Court, 1000000515; Floyd County Fiscal Court, 1000000715; Letcher

County Fiscal Court, 1000000745; Pike County Fiscal Court, 1000000782; Lee County Fiscal Court, 1000000783; Floyd County Fiscal Court, 1000000818; City of Covington, 1000000820; Christian County Fiscal Court, 1000000825; Gallatin County Fiscal Court, 1000000826; Garrard County Fiscal Court, 1000000828; City of Bradfordsville, 1000000830; City of Paris, 1000000831; Green River Housing Corporation, 1000000832; City of Morgantown, 1000000858; City of Hazard, 1000000859; Pulaski County Fiscal Court, 1000000860; City of Elsmere, 1000000867; Henderson County Fiscal Court, 1000000874.

THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

DEPARTMENT FOR AGING & INDEPENDENT LIVING:

Licking Valley Community Action Agency, 0900012407.

DEPARTMENT FOR COMMUNITY BASED SERVICES:

Louisville Metro Human Service, 0800009350; Kentucky Department of Corrections, 0800009699; Lake Cumberland Mental Health Mental Retardation Board, 0900012190; Mountain Comprehensive Care Center, 0900012192.

DEPARTMENT FOR ENVIRONMENTAL PROTECTION:

Kentucky Division of Forestry, 0600001393.

DEPARTMENT FOR FAMILY RESOURCE CENTERS & VOLUNTEER SERVICES:

Green River Area Development District, 0800006791; Barren County Board of Education, 0800006793; American Red Cross Louisville, 0800006795.

DEPARTMENT FOR PUBLIC HEALTH:

Seven Counties Services, 0900011859; Bluegrass Regional Mental Health Mental Retardation, 0900011862; Comprehend Incorporated, 0900011863; Cumberland River Regional Mental Health Mental Retardation Board, 0900011864; Four Rivers Behavioral Health, 0900011865; Lifeskills, 0900011868; Pennyroyal Mental Health, 0900011871.

EDUCATION, DEPARTMENT OF: Harlan Independent Board of Education, 1000000812.

FAIR BOARD:

Louisville Fire Department, 0900012813.

MILITARY AFFAIRS, DEPARTMENT OF:

Hopkins County Fiscal Court, 0800011166; Multi, 1000000349.

OFFICE OF THE GOVERNOR, DEPARTMENT FOR LOCAL GOVERNMENT:

Breckinridge County Fiscal Court, 0600001513; Garrard County Fiscal Court, 0600002113; Mountain Water District, 0600002788; Lincoln County Fiscal Court, 0700003187; Magoffin County Fiscal Court, 0700003332; Bourbon County Fiscal Court, 0700003604; Clay County Fiscal Court, 0700003945; Graves County Fiscal Court, 0700003975; Oldham County Fiscal Court, 0700004013; City of Providence, 0700005312; Carter County Fiscal Court, 0700005322; Monroe County Fiscal Court, 0700005847; Connect-Gradd Incorporated, 0700005998; Camp Springs Initiative Incorporated, 0700006526; City of Guthrie, 0800007902; Floyd County Fiscal Court, 0800010852; Floyd County Fiscal Court, 0800011012; Middlesboro Independent Board of Education, 0800011021; Carter County Fiscal Court, 0800011124; Carter County Fiscal Court, 0800011141; Carter County Fiscal Court, 0800011142; Carter County Fiscal Court, 0800011143; Morgan County Fiscal Court, 0800011188; Menifee County Board of Education, 0900011495; City of Providence, 0900011517; Muhlenberg County Fiscal Court, 0900011579; City of Lebanon, M-05104576; Simpson County Fiscal Court, M-05126311; Knott County Fiscal Court, M-05185688; Woodford County Fiscal Court, M-05234972; City of Middlesboro, M-05284064-3.

TRAVEL, DEPARTMENT OF:

Multi, 0900012979; Multi, 0900012980; Multi, 0900012981; Multi, 0900012982; Multi, 0900012983; Multi, 0900012984; Multi, 0900012985; Multi, 0900012986; Multi, 0900012987.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE SELECTED FOR FURTHER REVIEW:

EDUCATION PROFESSIONAL STANDARDS BOARD:

Cindy Owen, 1000000881. Gary Freeland discussed the contract with the committee. A motion was made by Representative Montell to defer the contract to the January 2010 meeting of the committee. Senator Tori seconded the motion, which passed unanimously.

KENTUCKY EMPLOYERS MUTUAL INSURANCE:

Ridenour & Associates, LLC, 10GAL001. Michelle Landers discussed the contract with the committee. A motion was made by Senator Carroll to consider the contract as reviewed. Representative Horlander seconded the motion, which passed unanimously.

THE FOLLOWING PERSONAL SERVICE CONTRACTS AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:

DEPARTMENT FOR ENVIRONMENTAL PROTECTION:

Stantec Consulting Services Incorporated, 0600002006. Paul Ganoe and Ron Gruzsky discussed the contract with the committee. A motion was made by Senator Carroll to consider the contract as reviewed. Representative Crenshaw seconded the motion, which passed unanimously.

DEPARTMENT FOR NATURAL RESOURCES:

Bowser Morner Associates Incorporated, 0900012877. Paul Ganoe and Ron Dutta discussed the contract with the committee. A motion was made by Senator Carroll to consider the contract as reviewed. Representative Crenshaw seconded the motion, which passed unanimously.

DEPARTMENT FOR PUBLIC HEALTH:

Norton Healthcare Incorporated, 1000000482. Dr. Kraig Humbaugh and Gwenda Bond discussed the contract with the committee. A motion was made by Senator Carroll to consider the contract as reviewed. Senator Tori seconded the motion, which passed unanimously.

FINANCE AND ADMINISTRATION CABINET:

Goldberg & Simpson P.S.C., 0800009143. Patrick McGee discussed the contract with the committee. A motion was made by Senator Carroll to consider the contract as reviewed. Senator Tori seconded the motion, which passed unanimously.

FINANCE AND ADMINISTRATION CABINET:

Conliffe Sandmann & Sullivan, 0900013206. Jeff Mosley discussed the contract with the committee. A motion was made by Senator Tori to consider the contract as reviewed. Senator Carroll seconded the motion, which passed unanimously.

FINANCE AND ADMINISTRATION CABINET - DIVISION OF EN-

GINEERING:

Arrasmith Judd Rapp Chovan Incorporated, 0900011608; CMTA Incorporated, 0900012741. Paul Ganoe and Jennifer Linton discussed the contracts with the committee. A motion was made by Senator Carroll to consider the contracts as reviewed. Representative Crenshaw seconded the motion, which passed unanimously.

KENTUCKY COMMUNITY & TECHNICAL COLLEGE SYSTEM:

CedarCrestone Incorporated, KCTPS407. David Holcomb and Rick Chlopan discussed the contract with the committee. A motion was made by Representative Montell to consider the contract as reviewed. Senator Tori seconded the motion, which passed unanimously.

THE FOLLOWING PERSONAL SERVICE CONTRACTS FOR \$10,000 AND UNDER WERE SELECTED FOR FURTHER REVIEW:

KENTUCKY HOUSING CORPORATION:

8700 CORPORATION, KHC201019. Rob Ellis and Lisa Beran discussed the contract with the committee. A motion was made by Representative Crenshaw to defer the contract to the January 2010 meeting of the committee. Representative Montell seconded the motion, which passed with Senator Carroll voting NO and Senator Gibson electing to abstain (pass).

THE FOLLOWING MEMORANDUM OF AGREEMENT WAS SELECTED FOR FURTHER REVIEW:

DEPARTMENT FOR COMMUNITY BASED SERVICES:

Pennyrile Allied Community Services Incorporated, 1000000586. Renee Close discussed the contract with the committee. A motion was made by Senator Carroll to consider the contract as reviewed. Representative Crenshaw seconded the motion, which passed with Senators Tori and Gibson voting NO and Representative Montell electing to abstain (pass).

OFFICE OF THE GOVERNOR, DEPARTMENT FOR LOCAL GOVERNMENT:

Housing Partnership, 1000000717; Community Ventures Corporation, 1000000718; Beattyville Housing & Development Corporation, 1000000719; Purchase Area Housing Corporation, 1000000751; City of Bardstown, 1000000778; Lexington-Fayette Urban County Government, 1000000817. Ann Chaney and Lyn-



sey Womack discussed the contracts with the committee. A motion was made by Representative Crenshaw to consider the contracts as reviewed. Senator Carroll seconded the motion, which passed with Senator Tori and Representative Montell voting NO.

THE FOLLOWING MEMORANDA OF AGREEMENTS AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:

EDUCATION, DEPARTMENT OF: Bowling Green Independent Board of Education, 0800008460. A motion was made by Representative Montell to defer the contract to the January 2010 meeting of the committee. Senator Tori seconded the motion, which passed unanimously.

#### EXEMPTION REQUESTS

ENERGY AND ENVIRONMENT CABINET:

The Energy and Environment Cabinet requested the following exemption from the committee's policy applicable to multiyear government contracts for:

Division of Abandoned Mine Lands Waterline Memoranda of Agreement

Nonpoint Source MOA

A motion was made by Senator Gibson to approve the request to December 31, 2010. Representative Crenshaw seconded the motion, which passed unanimously.

#### COUNCIL ON POSTSECONDARY EDUCATION:

The Council on Postsecondary Education requested an exemption from the committee's policy applicable to multiyear government contracts for 100% Federally Funded Grant Agreements including GEAR UP, Improving Educator Quality (IEQ) and Kentucky Adult Education. A motion was made by Senator Gibson to approve the request to December 31, 2010. Representative Crenshaw seconded the motion, which passed unanimously.

With no further business before the committee, the meeting adjourned at 12:05 PM.

### MEDICAID OVERSIGHT AND ADVISORY COMMITTEE

November 23, 2009

The Medicaid Oversight and Advisory Committee meeting was held on Monday, November 23, 2009, at 1:00 PM, in Room 131 of the Capitol Annex. Senator Katie Stine, Co-Chair, called the meeting to order,

and the secretary called the roll.

Present were:

Members: Representative Jimmie Lee, Co-Chair; Senator Katie Kratz Stine, Co-Chair; Senators Walter Blevins Jr., Julie Denton, and Dan "Malano" Seum; Representatives Bob M. DeWeese, and Joni L. Jenkins.

Guests: Marty White and Bill Doll for the Kentucky Medical Association; Murray Wood for the Cabinet for Health and Family Services; Wayne Johnson for the Kentucky Association of Health Care Facilities; and Anne Joseph.

LRC Staff: Miriam Fordham, Jonathan Scott, and Cindy Smith.

The minutes of the August 24, 2009 meeting were approved without objection.

The first item on the agenda was election of a Senate Co-Chair. Senator Seum made a motion to elect Senator Katie Stine as Senate co-chair, seconded by Senator Denton. There were no other nominations. There was a motion by Senator Seum, seconded by Senator Denton, and approved by voice vote to elect Senator Stine by acclamation.

The next item on the agenda was a presentation on the Medicaid Transformation Grant, by Betsy Johnson, Esq., Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services. Commissioner Johnson said that the Cabinet received a \$4.9 million Medicaid Transformation Grant. The contract was awarded to Affiliate Computer Services (ACS) in mid-September. The scope of the project is aligned with the emerging national direction for health information exchange. The pilot implementation date is expected to be the second quarter of 2010. In regard to the Medicaid Transformation and development of the Kentucky Health Information Exchange (KHIE), the next steps are: developing requirements for vendor on-site gathering; conducting connectivity meetings; holding weekly interoperability forums; developing integration requirements; prioritizing hospitals for connection; developing a strategic and operational plan; and developing the state Medicaid HIT plan. Next, Commissioner Johnson spoke about funding provisions under the Health Information Technology for Economic and Clinical Health (HITECH) Act of the American Recovery and Reinvestment Act (ARRA) of 2009. She said ARRA was passed and signed by President Obama on February 17, 2009. ARRA provided funding for

HITECH initiatives at the state level including: \$2 billion to the Office of National Coordinator (ONC) for state grants to develop and promote health information technology (HIT) and health information exchange (HIE); state loan programs for the adoption of electronic health record technology (EHR), and additional grant opportunities. The Centers for Medicare and Medicaid Services received \$35 billion to provide payment incentives for the adoption of EHR technology in Medicaid and Medicare. Other HITECH funding totaled \$5-10 billion.

In regard to provider incentives, Commissioner Johnson said CMS Medicaid funding will be available to qualified providers and hospitals for EHR technology beginning no sooner than 2011. There will be 100 percent federal financial participation (FFP) incentive funds to providers. In order to receive ARRA HITECH funding, certain criteria must be met. The criteria to receive Medicaid Provider Incentive Payments include the following: status as an eligible provider; use of certified EHR technology; and meeting the "meaningful use" criteria in the employment of the certified EHR technology. In order to receive incentive payments, acute care hospitals must have a Medicaid patient volume of at least 10 percent; children's hospitals have no Medicaid patient volume requirement.

Senator Stine asked what ACS stands for. Commissioner Johnson said it stands for Affiliated Computer Services.

Senator Stine asked how the system coordinates with eHealth. Commissioner Johnson said that they work with the eHealth board to implement eHealth in Kentucky, and it will add to what has already been done.

Senator Stine asked how much of the \$2 billion from the Office of National Coordinator that Kentucky will see. Commissioner Johnson said the state will find out in the middle of December what it will receive.

Senator Stine asked about the HITECH funding and when Kentucky will find out about its share. Commissioner Johnson said it will be mid-December as well for these dollars.

Senator Stine asked Commissioner Johnson to let the committee know when and if Kentucky is receiving those funds. Commissioner Johnson said she would.

Representative Lee commented that physicians would see a sizable

outlay of dollars and wondered how many would make an investment that may take over five years to recoup. Commissioner Johnson said it has not been decided if the money would be an upfront payment or would have to be recouped.

Representative Lee said the physicians are excited about eHealth, but not about the expensive outlay for technology. Commissioner Johnson said that it is still in the planning stages and their goal is to encourage it and make it as easy as possible.

Senator Denton asked how rehab hospitals could access funds if they are not included. Commissioner Johnson said they have to meet the definition of eligible provider to be included. Commissioner Johnson will look up more information on this and get it back to the committee.

The last item on the agenda was an update on cost containment measures by Betsy Johnson, Esq., Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services. Commissioner Johnson said premium and cost sharing has a \$17.9 million state fiscal year (SFY) savings. The Department for Medicaid Services report was filed with the Legislative Research Commission on October 7, 2009. Recent cost containment measures include preferred drug list management with a savings of \$4,000,000 in SFY09; generic utilization and maximum allowable cost with a savings of \$1,000,000 in SFY09. She reported that generic utilization has increased to 72.7 percent. Generally, a 1 percent increase in utilization will equate to \$1 million in savings. Also, prior authorization is now required for Zanaflex caplets; the tablet version has a generic equivalent, but the caplet does not. This is a savings of approximately \$190,000 per month. In regard to the health insurance premium program, she reported that as of November, 2008, there were six individuals enrolled. As of November, 2009, there are 29 individuals enrolled. There is an estimated cost savings of \$1.3 million for the 29 enrollees.

Commissioner Johnson said in regard to the commitment to reform and cost containment, there is a state-wide disease management program focused on chronic diseases or conditions where interventions can make a positive clinical and financial impact in the short term.

As of January 1, 2009, the Department for Public Health took over the diabetes disease management ac-

tivities for approximately 400 Medicaid members who were previously managed by a third-party vendor.

In reference to the Division of Program Integrity, Commissioner Johnson reported that the division was created in June, 2008 within the Department for Medicaid Services. The Division has recovered \$2.8 million more in 2009 (through October) than all of 2008. Program integrity policy recommendations will result in additional savings over a five year period. CMS conducted a comprehensive program integrity review of Medicaid in July, 2009 to verify compliance with federal regulations and the effectiveness of program integrity. During the exit conference, CMS staff commented that "Kentucky has improved greatly from the last review," and the new KY model is an "efficient use of resources."

Commissioner Johnson also discussed the pharmacy management program. She said that the preferred drug list (PDL) program is ongoing. The generic utilization and substitution rate has improved from 69.5 percent in June, 2007 to 72.7 percent in 2009, a savings of approximately \$3 million. She said that on-site pharmacy audits began in June, 2009. Thirteen pharmacies were audited during the second quarter of 2009, with anticipated recoupment of \$38,000.

Next, Commissioner Johnson commented on the web-based KenPAC Project. She said that a short pilot demonstration of the first phase involving two KenPAC providers has been completed. Providers were very impressed with the functionality and benefit to their practices. Fifteen additional providers have agreed to participate in the second phase, which is scheduled for early 2010.

Lastly, Commissioner Johnson reported on emergency room (ER) utilization. ER utilization continues to be high, and other state Medicaid programs are having the same experience. The Medicaid population has increased by 13 percent since January 1, 2006. Emergency room trips per member have remained steady at .08. Statewide disease management programs will assist in lowering ER visits, and the web based KenPAC program will assist in lowering ER Visits.

Senator Denton asked what the generic utilization rate was before it was 72.7 percent. Commissioner Johnson said it was 69.5 percent in

June, 2007. Senator Denton asked for the figures on generic utilization per quarter for the last two years. Commissioner Johnson said she would get that data to the committee.

Senator Stine asked if Medicaid is a better payor than employer sponsored health insurance plans. Commissioner Johnson said that Medicaid is usually more generous.

Senator Denton asked if other states are paying copays. Commissioner Johnson said she is not sure, and that she has not seen the regulations yet.

Representative Burch asked how program integrity errors are found. Commissioner Johnson said that is a function of the SURS contractor.

Representative Lee asked how many eligibles are in the lock-in currently. Commissioner Johnson said currently there are 1,000. Representative Lee said he hopes to see that number go up within the next year.

Senator Denton asked if the Cabinet is looking at high users of emergency rooms across the board since the number of emergency room visits per member is staying at .08. Commissioner Johnson said they are looking at that. Senator Denton asked for a resolution date by the next meeting.

Representative Jenkins asked if the Cabinet has compared the utilization rate to that of Passport. Commissioner Johnson said they can look at that.

The meeting was adjourned at 2:10 p.m.

#### **LAND STEWARDSHIP AND CONSERVATION TASK FORCE Minutes of the 3rd Meeting of the 2009 Interim November 12, 2009**

The 3rd meeting of the Land Stewardship and Conservation Task Force was held on Thursday, November 12, 2009, at 1:00 PM, in Room 129 of the Capitol Annex. Representative Charlie Hoffman, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Brandon Smith, Co-Chair; Representative Charlie Hoffman, Co-Chair; Hugh Archer, Larry Arnett, Elizabeth Bennett, Frances Brown, William Brown, Mark Dennen, Don Dott, Bob Marrett, William Martin, K.A. Owens, Scott Travis, and Bruce Williams.

Guests: Charles Bush, Director, Division of Real Properties; Natalie Holloman, Acquisition Branch Manager Division of Real Properties; and

Scott Aubrey, Assistant Director, Division of Real Properties.

LRC Staff: Stefan Kasacavage and Ashlee McDonald.

Chair Hoffman stated that a quorum was present and asked for motions to approve the minutes from the July 9 and August 13 meetings. After a motion and a second, the minutes were approved. Chair Hoffman thanked Sen. Webb and Rep. Stumbo for his appointment to the chairmanship of the task force. He then recognized Co-Chair Smith for introductory comments.

Co-Chair Smith thanked all of the members for the work that they had done on the task force and assured them that their work would help further land conservation and stewardship objectives in the General Assembly.

Chair Hoffman asked Bruce Williams to begin discussion on the adoption of the task force's legislative proposals for the 2010 General Assembly. Mr. Williams started by reviewing the steps that the task force had taken to reach the legislative proposals under consideration. At previous meetings, the task force heard testimony on land conservation programs that had been implemented in other states. Many of the members also shared their expertise on land conservation programs already working within the Commonwealth. The members worked together to form the legislative proposals currently under consideration by the task force.

Mr. Williams continued that most of the task force members agreed that Kentucky had not kept pace with conservation programs enacted in other states, that the existing land stewardship and conservation programs within the state are underfunded, and that the people of the Commonwealth will support a dedicated revenue source for land conservation purposes if they are convinced that the money will be spent wisely. The legislative proposals were made with these principles in mind. The task force recommended that legislation be introduced in the 2010 General Assembly to establish a land stewardship fund and its governing board. Additionally the task force recommended that legislation be proposed to amend the state constitution to provide for a one-eighth of one percent (1/8%) sales tax increase to provide revenue for the land stewardship and conservation fund. Mr. Williams stated that

he understood the political difficulty in passing such a constitutional amendment, especially given the current financial downturn, but he nevertheless believed that the time was now to introduce the idea to the public and determine whether sufficient support for it existed.

Co-chair Smith voiced his concern with being able to pass a constitutional amendment, especially one involving a tax increase. He then asked if there were any alternative funding mechanisms that the task force had considered if there was no support to pass the constitutional amendment. Mr. Williams answered that other states did a variety of different things to raise revenue for land conservation purposes, but the consensus within the task force was that if we want to make a significant impact with the land conservation program, we must have a significant source of funding. Real estate transfer fees, gaming revenues, and other sources were considered, but the increased sales tax was the only source of funds significant enough (in the neighborhood of \$30 million per year) to accomplish the goals that the task force had for the land conservation program.

Co-Chair Smith asked what the task force thought about the real estate transfer tax. Mr. Williams responded that the fee would have to be very high in order to raise the amount of revenue required. Mr. Marrett added that with the slump in the real estate market, it was not a very good time to consider fee increases that could further depress sales.

Co-Chair Smith said that he understood, but that he wanted a backup plan in place in case the constitutional amendment did not gain traction so that another year would not pass without any useful land conservation initiatives.

Mr. Archer said that Colorado was a state that uses lottery money for conservation and environmental tourism promotion. All lottery revenues go toward conservation purposes; there is no special lottery ticket dedicated for environmental protection.

Co-Chair Smith stated that the state's financial situation would make it difficult to pass sales tax increases during the upcoming session, so he was looking for alternative revenue streams. Mr. Williams responded that he wanted to allow citizens to decide whether they would be willing to raise the sales tax on themselves



through the constitutional amendment. Legislation setting up the fund and the board would at least put the pieces in place for a comprehensive statewide land conservation policy. Whether the constitutional amendment was introduced during this session or later would be the decision of legislative sponsors.

Co-Chair Smith said that adventure tourism user fees for conservation and hunting lands could possibly be used in the future to fund land conservation. Mr. Williams agreed that user fees would be a very good source of revenue for the fund.

Mr. Dott said that he understood the fear that trying too much with the legislative funding mechanism could mean that it would fail and yet another year would go by without any progress on the issue of land conservation. However, he felt that it was the opinion of the task force that now was the time to try something to provide the necessary revenue source for wide-ranging conservation programs within the state. It would probably take several years to build the popular support to pass the constitutional amendment, but now would be a good time to start the process.

Mr. Arnett mentioned that he wanted to remove reference to using surface mining fines as a possible source of revenue for the land conservation fund from the draft of the task force's legislative proposals.

Chair Hoffman responded that he would be afforded the opportunity to make the motion to amend the proposals at the appropriate time.

Mr. Owens said that he believed that as a starting point, the language regarding using surface mining fines as revenue for the land conservation fund should be left in, since it could be removed at any time by a member of the general assembly should the bill get drafted and introduced. Mr. Marrett responded that including those provisions would muddle the issue and would not provide sufficient funding for the goals of task force's proposals in any event.

Mr. Dott asked whether it would be more efficient to increase funding to modified versions of existing land conservation boards, like the PACE Board and the Kentucky Land Heritage Conservation Board, instead of creating a new board. These boards already have the expertise to make sound land acquisition decisions for conservation purposes. Mr. Williams responded that the task force

members had discussed this issue, but they feel that creating a new board allows the existing boards to continue with their missions without interference. It also allows for the implementation of a statewide land conservation strategy, through which the various existing boards could work together, instead of in competition against each other, to fund land conservation in Kentucky toward a common goal.

After a motion to consider and a second, the task force adopted the "Task Force Findings" portion of its legislative proposals by voice vote. A motion was then made and seconded to consider adoption of the recommendation to establish the Land Stewardship and Conservation Trust Fund. Mr. Arnett made a motion to direct staff to strike all language referring to the use of fines from surface mining as a source of revenue for the fund. The motion was seconded and adopted by voice vote. The task force then adopted the recommendation to establish the amended Land Stewardship and Conservation Trust Fund section by voice vote.

A motion was then made and seconded to consider adoption of the task force's recommendation to establish the Land Stewardship and Conservation Board. Ms. Brown made a motion, which was subsequently seconded, to add representatives from the Kentucky State Nature Preserves Commission and Kentucky Farm Bureau to the recommended membership of the board. The amendment was adopted by voice vote. The recommendation to establish the board as amended was then adopted by voice vote.

Mr. Owens made a motion to consider adoption of the task force's recommendation to introduce legislation to make a constitutional amendment to increase the Kentucky sales tax by one-eighth of one percent (1/8%) to be used for land conservation purposes. Mr. Williams seconded the motion, and the task force adopted the recommendation by voice vote.

Chair Hoffman then asked Charles Bush and his colleagues from the Division of Real Properties to give their presentation on the state land acquisition process.

Charles Bush, Director, Scott Aubrey, Assistant Director, and Natalie Holloman, Acquisition Branch Manager of the Division of Real Properties began their presentation. Mr. Bush said that the purpose of the

presentation was to explain to the task force the various stages of the division's acquisition process.

Ms. Holloman explained that the division did state land acquisition for all real property interests, including leasing of real property, surplus land, and easements. The first step of the land acquisition process is the identification of a willing seller of a piece of property that a state agency wants to acquire. The division handles all business dealings with the seller. The requesting agency submits a memo to the division outlining the need for the property. Once all of the background information is submitted, the division solicits bids for the title search and appraisals. In order to proceed through the process, there must be no unresolved problems with the title. A desk review is then done of the appraisals and sent to the requesting agency for comment. As long as there are no problems raised in the comments, an order is signed by the Secretary of Finance approving of an offer being made to the property owner based on the appraisal. If the offer is accepted, the division proceeds with a contract for the purchase of the real estate and execution of the contract.

At this point, the survey work is done. Surveys used to be conducted at the beginning of the process, but it was determined to be a waste of taxpayers' dollars to spend money on a survey for property that may not end up being acquired. Survey work can add two or more months to the end of the acquisition process. The Division of Engineering also conducts environmental reviews on all properties at this time. If any problems are found, they proceed with additional testing. The division works with Finance Cabinet officials and the Office of Legal Services to prepare a deed and to accomplish the closing.

Mr. Williams asked if the division purchased options. Ms. Holloman responded that historically, it was not a problem to purchase an option. However, if it is a monetary option, there is a high risk of spending tax dollars without any of the deals actually going through. For this reason, monetary options are not regularly pursued.

Mr. Dott asked if it would be more efficient to take bids from an attorney to do all the title work for lands to be acquired in a certain region over the course of a year. This way, each title opinion would not have to be rebid through the thirty-

day process.

Mr. Aubrey responded that it would be difficult to find an attorney to bid blindly to work on more than one title deed. The amount of time and work that it takes to accomplish researching a title deed varies greatly from property to property. An attorney would be unlikely to bid on a title deed that could take much longer than expected to accomplish. Mr. Bush added that through e-mail and other measures, the process has been sped up significantly.

Mr. Archer commented that the division needed more staff to accomplish the volume of land acquisition that was funded through state boards and agencies.

Chair Hoffman thanked the representatives from the Division of Real Properties for their presentation and asked Don Dott, Director of the Kentucky Nature Preserves Commission, to address the task force on protected area maps of the Commonwealth.

Mr. Dott began by discussing a map of Kentucky lands managed for conservation purposes that are owned by state, local, and federal agencies. Fort Knox and the Daniel Boone National Forest represented the largest areas on the map. The conserved areas were large, but very fragmented. It would be very beneficial from a conservation standpoint to connect closely situated but disjointed areas into single contiguous conserved areas. This would allow for the natural movement of animal species to and from adjoining habitats and help to protect riparian corridors. The federal government manages the most conserved land in Kentucky with about 1.1 million acres, followed by the state which manages about 664 thousand acres. Local governments account for the management of about 38 thousand acres and private owner have about 55 thousand acres.

Blocks of conserved lands must be made larger to more successfully protect animal habitats. When conserved lands are broken up by roads or otherwise fragmented, the lands are much more vulnerable to invasive species and habitat destruction. Recent statistics show that Kentucky converts 130 acres (1 square mile) of forests and fields into developed land each week. This is one of the highest rates in the country. Kentucky ranks last among surrounding states in state owned conservation lands (1% of the state).

Chair Hoffman thanked the

members for their hard work. There being no further business, the meeting was adjourned.

**POVERTY TASK FORCE**  
**Minutes of the 3rd Meeting**  
**of the 2009 Interim**  
**November 16, 2009**

The 3rd meeting of the Poverty Task Force was held on Monday, November 16, 2009, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Brandon Smith, Chair, called the meeting to order at 1:11 PM, and the secretary called the roll.

Present were:

Members: Senator Brandon Smith, Co-Chair; Senators Gerald A. Neal and Johnny Ray Turner; Representatives Linda Belcher, Leslie Combs, C. B. Embry Jr., Kelly Flood, Jim Glenn, Keith Hall, Richard Henderson, Mary Lou Marzian, Reginald Meeks, Fred Nesler, Kent Stevens, Ken Upchurch, Alecia Webb-Edgington, and Addia Wuchner.

Guests: Luke W. Reynolds, Chief, Outreach & Program Development Section, Federal Deposit Insurance Corporation (FDIC); Kelly May, Kentucky Jump\$tart Coalition for Personal Financial Literacy®, Public Information Officer, Kentucky Department of Financial Institutions; Gerry F. Roll, Executive Director, Community Foundation of Hazard & Perry County; and Penny Young, Homeless and Housing Coalition of Kentucky.

LRC Staff: DeeAnn Mansfield, Lou DiBiase, Amanda Dunn, Mustapha Jammeh, Carlos Lopes, Gina Rigsby, and John Scott.

A motion to approve the October 26, 2009 minutes was made by Representative Nesler, seconded by Representative Webb-Edgington, and approved by voice vote.

Luke W. Reynolds, Chief, Outreach & Program Development Section, Federal Deposit Insurance Corporation (FDIC), testified about the Small-dollar Loan Pilot Program. The FDIC small-dollar loan pilot program was designed to demonstrate the role that affordable small dollar loans can play in replacing high-cost financial products as part of a bank business plan to reach out to underserved communities. A successful small-dollar loan program can help an institution achieve positive outcomes and help integrate underserved communities into the financial mainstream. The guidelines address product development, affordability, and underwriting. Safe and sound small-dollar loan programs that comply

with consumer protection laws will not be criticized by FDIC examiners. In fact, small-dollar lending program can earn an institution positive consideration under the Community Reinvestment Act (CRA). The FDIC small-dollar loan guidelines are: (1) loan amounts up to \$1,000; (2) payment periods that extend beyond a single paycheck; (3) APRs below 36 percent; (4) low or no origination fees; (5) no prepayment penalties; (6) streamlined underwriting; (7) prompt loan application processing; (8) automatic savings component; and (9) access to financial education. The payday lending industry has been estimated to generate more than \$28 billion in loans per year, but the APRs on these loans often exceed 390 percent. In February 2008, 31 banks were selected to participate in the Small-dollar Loan (SDL) Pilot Program. The two-year case study investigates how banks can profitably offer small-dollar products as an alternative to high cost financial products. Data will be collected quarterly from the first quarter of 2008 through the fourth quarter of 2009. Results from the first year are available in an FDIC quarterly article, The FDIC's Small-Dollar Loan Pilot Program: A Case Study after One Year, located at <http://www.fdic.gov/small-dollar-loans>. He stated that the national data is useful for Kentucky. The minimum credit score for small-dollar loans is 500 and allows individuals to build a good credit history. If the process to apply for a small-dollar loan is too cumbersome or long, people will go somewhere else such as payday lending institutions for loans.

Senator Smith asked how many of the 31 banks participating in the small-dollar loan pilot program were in Kentucky, and Mr. Reynolds said two. Mr. Reynolds stated that all the data from the participating institutions is submitted and aggregated for confidentiality reasons. There have been 24,000 loans made since the pilot began. Senator Smith asked if the 24,000 loans were just for Kentucky or all 31 banks, and Mr. Reynolds stated that the loans were for all the banks. Senator Smith asked if people in Kentucky were using the small-dollar loans, and Mr. Reynolds said that, again, because of confidentiality reasons, he would have to get permission from Kentucky banks to give this information. Senator Smith asked if people are finding out about the small-dollar loans and has there been a push to incorporate more

banks that want to participate in the program. Mr. Reynolds said there has been an increased interest in banks outside of the program nationally who have started to make small-dollar loans.

Representative Webb-Edgington asked what characteristics were used to choose the 31 banks and what two banks in Kentucky and their locations participated in the pilot program. Mr. Reynolds stated they issued a call to institutions to submit an application to participate. The FDIC looked at the applications to ensure the institutions had met satisfactory regulatory compliance, two ratings for safety and soundness, at least two ratings for compliance, satisfactory CRA ratings, and no outstanding enforcement actions. They also looked at the size of the institution, geographic location, and age of the institution in order to select a representative sample of institutions. There were two banking institutions from Kentucky who submitted applications and met the regulatory criteria. He said that the pilot would end early next year. The two Kentucky banks are Kentucky Bank in Paris and Citizens Union Bank in Shelbyville. Citizens Union Bank in Shelbyville was used as case study in the bank survey.

Representative Glenn asked if both Kentucky banks were independent banks with multiple locations. Mr. Reynolds stated that Kentucky Bank has 16 branches and has \$679 million in assets and Citizens Union Bank has 20 branches and has \$634 million in assets.

Mr. Reynolds stated that the FDIC encourages institutions to have savings programs, but only six have mandatory savings programs. Consumers who have an immediate need for short-term credit are not always looking toward the future, and if the process to apply is too cumbersome or they are required to attend a financial education class, they will go elsewhere. Some institutions have been able to turn a profit on small-dollar loans.

Senator Smith asked if banks profit from late payments. Mr. Reynolds stated the profit usually comes from the interest rate and fee of actual costs such as a preparing a credit report or paperwork. Senator Smith asked if pay lender loan fees were higher or lower. Mr. Reynolds stated that the small-dollar loans average between 13 to 14 percent. The small-dollar loans make payments

over more than a single pay period, so there is not an issue of a person having to come back the next pay period and get another loan to pay for fees.

Mr. Reynolds stated that it is important to look at the location where there is a need for small-dollar loans and partnerships such as with non-profits. Underwriting processes vary, but all are streamlined. The minimum requirements are proof of identification, address, proof of income, and credit report. The three business models that institutions use are community goodwill, small-dollar loans to make profits, and long-term relationships. In January 2009, a survey of the population through census was conducted to understand why people were banked or unbanked and to better understand who uses alternative financial service providers. The data will be released on December 2, 2009, and it will contain some Kentucky-specific data. There are potential technological platforms to facilitate small-dollar lending to explore what degree technology can expedite the underwriting process and help originate loans without having to sit down in front of a loan officer.

Representative Glenn asked if well established larger banks made small-dollar loans, and Mr. Reynolds stated that larger banks do not use the community-based lending model, but could.

Representative Henderson asked the FDIC had thought about presenting the small-dollar loan information to huge financial institutions that have multiple outlets across the state and present it as external community service, not necessarily to make money, but to help society. Mr. Reynolds stated they have talked to large institutions about the program. The small-dollar program is a community-based lending model and larger institutions tend not to use the same business model, but it is a program larger institutions could use.

Representative Henderson asked when the pilot program ends, data will be collected and a decision will be made to extend the program. Mr. Reynolds said that research and findings will be released from the program. On December 2, 2009, there is a Chairman's Advisory Committee on Economic Inclusion and the Strategic Planning Subgroup will report findings about small-dollar loans and get recommendations and work internally to determine the next step, but at the minimum data will be re-



leased. Representative Henderson asked when the pilot program ends, will the banks discontinue the small-dollar loans. Mr. Reynolds stated that there is nothing to preclude them from continuing. Representative Henderson said that the payday lending industry is the only alternative for some individuals. Representative Henderson asked if the \$28 billion figure in loans per year by the payday lending industry could be higher. Mr. Reynolds said that figures were not FDIC data and he could not validate all the methodology and it is a couple of years old. Representative Henderson asked if the figures could be worse because the economy was worse, but Mr. Reynolds said that he did not want to speculate on the amount.

Representative Flood asked how the small-dollar loans are being spent. Mr. Reynolds said they are not tracking the money, but most are spent for consumer purposes. Representative Flood asked if the 31 banks received a tax credit for being in the pilot program. Mr. Reynolds said that legal and regulatory restraints preclude the FDIC from giving financial incentives.

Representative Embry asked what would be the bank's incentive to continue in the program. Mr. Reynolds said that the small-dollar loans are more likely to be delinquent than all loans overall but the charge off-rate is consistent with all loans. The small-dollar loans are not as risky as someone would think. The reasons to continue would be the CRA, business development opportunities, short-term and long-term community goodwill.

Luke W. Reynolds, Chief, Outreach & Program Development Section, Federal Deposit Insurance Corporation (FDIC), testified about the Money Smart Program. Money Smart is FDIC's free financial education curriculum. Approximately 1,400 organizations are members of the Money Smart Alliance. The reasons why money smart is unique is it is available in multiple media formats, available in multiple languages, has no licensing fee or copyright restrictions, is scalable for more sophisticated consumers, is designed for the un-banked and under banked, it has a flexible-a la carte approach, is easy to learn, and is easy to teach. FDIC's role is to distribute the curriculum to potential instructors, provide technical assistance, possibly including linking sites interested in delivering

financial education with potential instructors, train-the-trainer resources, and publications. Impact data can be collected through surveys, focus groups, interviews, observations, case studies, and tests of ability. Financial education can be a building block and make a difference.

Senator Smith asked if someone would have to pay for the curriculum and other resources, and Mr. Reynolds said that the curriculum is provided free of charge. Senator Smith asked if the FDIC provided training sources, and Mr. Reynolds said that they provide train-the-trainer workshops.

Kelly May, Kentucky Jump\$tart Coalition for Personal Financial Literacy®, Public Information Officer, Kentucky Department of Financial Institutions, testified about the Kentucky Jump\$tart Coalition for Personal Financial Literacy®. The coalition believes that all Kentuckians need to have the financial literacy necessary to make informed financial decisions and it seeks to improve money management skills throughout the lifecycle of Kentuckians. The benefits of joining the coalition is to network with others, find partners for initiatives, stay current on financial literacy news, learn about new curriculums and programs, utilize public relations opportunities, enjoy booth space at the teachers conference and summit, and be included in Jump\$tart promotions. Kentucky lower and moderate income consumers are more likely to buy high-priced basic financial services than higher income households. Surveys show that few parents are teaching finances to their children.

Ms. May said that there are only three states that require a full class in financial literacy for students to graduates: Utah, Missouri, and Tennessee. Schools in Kentucky have the option to offer an elective in financial literacy. Kentucky is piloting a new Math class that is financial-literacy based that would be a fourth Math credit in 13 schools. Currently, the financial literacy elective does not count as one of the main math classes. Every other year, the Jump\$tart Coalition surveys twelfth-grade students to test their knowledge of personal finance and get a better understanding of their experience with and attitudes about managing money. A classroom teacher in a course not related to finance, economics, consumer science, consumer math or business administers the multiple-

choice test. At least ten schools have to participate to be included in the survey.

Ms. May stated that Kentucky Jump\$tart petitions the Governor each year to have April declared Financial Literacy Month. A press release and web page list a calendar of financial literacy events offered by coalition partners in April. Jump\$tart hosts a booth at the annual Career and Technical Education Summer Program for teachers. Kentucky coalition partners are welcome to display their financial literacy materials in the Jump\$tart booth. Handouts also promote partner sessions on financial topics during the conference. The Jump\$tart Clearinghouse provides a database of education materials for a range of grades and learning levels, including adults, and most of the materials are offered at no cost. Kentucky Jump\$tart's clearinghouse may be accessed at [www.kyjumpstart.org/Clearinghouse.cfm](http://www.kyjumpstart.org/Clearinghouse.cfm). There is also a link to the national clearinghouse, which has nearly 700 different financial literacy items. Jump\$tart is raising the public's awareness that personal finance management is a fundamental life skill that needs to be taught to our nation's youth. Jump\$tart's campaign targets the educational decision makers and communicators, such as government and administration officials, parents, educators, school board officials, personal finance media, and organizations represented as coalition members.

Ms. May said she would provide the task force with the ten schools that participated in the Jump\$tart's High School Financial Literacy Survey that Senator Smith requested.

Senator Smith asked what one thing legislators could do to make a difference. Ms. May said there is a clearinghouse with 15 curriculums and there are speakers that will go to speak on financial literacy anywhere. She said that increasing public awareness of the information available would be helpful. Coalition partners offer a broad range of services. Information on the coalition can be found at [www.kyjumpstart.org](http://www.kyjumpstart.org). Mr. Reynolds recommended leveraging existing resources and avoiding creating them. Senator Smith said fostering a relationship, such as the Bank at School programs, between the legislative and executive branches and banks would be very beneficial.

Representative Glenn stated that in 2008, the Governor of Tennessee mandated that financial literacy be

taught in schools statewide. He said that the United States needs to stop borrowing so much money overseas and start investing in our own businesses to help our tax base and employment base. Ms. May stated that if parents are not comfortable or able to teach children about finances, then it should be mandated in the schools.

Gerry F. Roll, Executive Director, Community Foundation of Hazard & Perry County, testified on rural development philanthropy. She stated that for decades, especially since the war on poverty started, there have been huge amounts of charity and large scale entitlement programs directed at Kentucky, particularly in Appalachia. Charity is good, and it generally keeps people from starving or living outside, but it does little for the long term improvement of the conditions that keep the state at the bottom of the lists that it does not want to be on. She compelled the task force to start shifting this learned culture of helplessness and hopelessness to a new dynamic of communities that focus on long-term strategies of education, employment, health, arts, and recreation. These are the things that make dynamic thriving economies where people want to live and raise their children. The Western Kentucky's Future of Giving: Wealth Transfer Study 2009 Final Report conducted by Murray State University through the Office of Regional Stewardship and Outreach for 18 counties in Western Kentucky documents almost \$6 billion in wealth that will transfer from one generation to the next within ten years. The problem is that the next generation will inherit this wealth, but many do not live in those counties or even in this state. If Kentucky is not set up to provide opportunities for families to consider leaving a portion of their estate or to provide a living legacy, this money will be lost forever.

Rural development philanthropy happens when community foundations and other community-based initiatives engage in convening, fundraising, endowment building, grant making, and other community building opportunities to strengthen and supplement the typical but limited resources provided through state and local general funds for education and other community services. Most importantly, it intentionally engages a broad range of community institutions and individuals, especially those historically not engaged in

community building and economic development, in community and philanthropic endeavors, which will build stronger, healthier communities. Based on the study by Murray State University, if the 18 western Kentucky counties have the appropriate infrastructure for people to contribute to their communities, and reasonable incentives are created for them to make contributions, capturing five percent of the wealth that will be transferred would net \$300

million in an endowment that could provide \$15 million in additional resources to those counties. These resources would be there, regardless of the state budget, to supplement, create and innovate in the areas of education, health and welfare, and other efforts that build a strong community and strong economy.

In 2006, Iowa passed legislation to stimulate local endowment building. Each Iowa county has an endowment today, and they are grow-

ing exponentially. In Perry County, a philanthropy initiative was started last year. The community foundation is building an endowment, making grants, and working with the community to create ways to improve schools, the environment, health, housing, and the culture. All Kentuckians would benefit from legislation that provides incentives for people to leave a legacy to the community they grew up in. Governor Beshear recently appointed a Commission on

Philanthropy who is willing to work to build a coordinated effort.

Representative Marzian asked where Hopkins County received the \$283 million in assets. Ms. Roll said that she should contact Gina Winchester at Murray State University. Representative Marzian said that people will donate if they know it will be matched. One success has been the Brains for Bucks program. There being no further business, the meeting was adjourned at 2:33 p.m.

# LRC Publications

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## Informational Bulletins

- 230** Issues Confronting the 2010 Kentucky General Assembly
- 229** General Assembly Action 2009 Regular Session
- 228** Final Reports of the Interim Joint, Special, and Statutory Committees 2008
- 227** Issues Confronting the 2009 General Assembly An update of Informational Bulletin No. 224 (2008)
- 226** General Assembly Action, Regular Session 2008
- 225** Final Reports of the Interim Joint, Special and Statutory Committees (2007)
- 224** Issues Confronting the 2008 General Assembly
- 223** General Assembly Action, Regular Session 2007
- 222** Final Reports of the Interim Joint, Special, and Statutory Committees (2006)
- 221** Issues Confronting the 2007 General Assembly
- 220** General Assembly Action, Regular Session 2006
- 219** Final Reports of the Interim Joint Special and Statutory Committees (2005)
- 218** Issues Confronting the 2006 General Assembly
- 217** General Assembly Action, Regular Session 2005
- 216** Final Reports of the Interim Joint, Special and Statutory Committees (2004)
- 215** Issues Confronting the 2005 General Assembly, An Update of Information Bulletin No. 212
- 214** General Assembly Action, Regular Session 2004

## Research Reports

- 363** Review Of Education Technology Initiatives
- 362** Compendium of State Education Rankings 2008
- 361** Fees, Dues, and Supplies in Kentucky Schools
- 360** Kentucky District Data Profiles School Year 2007-2008
- 359** Costs of Providing Services to Unauthorized Aliens Can Be Estimated for Some Programs, but Overall Costs and Benefits Are Unknown.
- 358** Review of Special Education in Kentucky
- 357** Reentry Programs For Felons Should Be Improved and Outcome Measures Should Be Developed (2008)
- 356** The Costs of College and High School Textbooks in Kentucky (2008)
- 355** Kentucky District Data Profiles (2008)
- 354** Understanding How Tax Provisions Interact With the SEEK Formula (2008)
- 353** A Review of the Extended School Services Program 2008
- 352** Investment Rates of Return, Governance, and Policies of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System 2008
- 349** 2007 School Finance Report (Accepted February 8, 2008)
- 348** Siting of Electric Transmission Lines (2007)
- 347** School Insurance (2007)
- 346** Drug Courts (2007)
- 345** A Compendium of State Education Rankings (2007)
- 344** A Review of the Flexible Focus Fund Program (2007)
- 343** Pollution Cap and Trade Programs in Kentucky (2007)
- 342** Kentucky's Foster Care System Is Improving, but Challenges Remain (2006)
- 341** Planning for School Facilities Can Be Improved to Better Serve the Needs of All Students (2007)
- 340** Kentucky's Community Mental Health System Is Expanding and Would Benefit From Better Planning and Reporting (Revised June 2007)



# 2010 Prefiled Bills

## BR 1 - Representative Jesse Crenshaw (05/12/09)

AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote.

Propose to amend Section 145 of the Constitution of Kentucky to exclude a convicted felon from the right to vote only until expiration of probation, final discharge from parole, or maximum expiration of sentence; submit to the voters for ratification or rejection.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

## BR 2 - Representative Jim Wayne (06/15/09)

AN ACT relating to taxation and declaring an emergency.

Amend KRS 141.020 to increase the tax rate on income over \$75,000; amend KRS 141.066 to establish a refundable earned income tax credit at 15 percent of the federal credit; amend KRS 140.130 to decouple from the federal estate tax phase-out; amend KRS 139.010, 139.200, and 139.480 to make selected services subject to sales tax; amend KRS 141.0205 to recognize changes to income tax credits; make income tax provisions apply to tax years beginning on or after January 1, 2010, make estate tax provisions effective for deaths on or after August 1, 2010; make sales tax provisions effective July 1, 2010.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

## BR 10 - Senator Denise Harper Angel (07/09/09)

AN ACT relating to childhood hearing loss.

Amend KRS 211.645 to amend the definition of "Auditory screening report"; delete the definition of "Infant at high risk for late onset, progressive hearing loss, or both."

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

## BR 11 - Senator Denise Harper Angel (07/09/09)

AN ACT relating to smoking cessation.

Amend KRS 205.560 to require smoking cessation programs or treatment interventions for pregnant smokers to be in accordance with protocols and guidelines recommended by the Centers for Disease Control and Prevention.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

## BR 12 - Senator Denise Harper Angel (07/09/09)

AN ACT relating to the Kentucky Board of Examiners of Psychology.

Amend KRS 319.010 to define "IPC"; amend definition of "practice of psychology"; amend KRS 319.015 to clarify restrictions on teachers of psychology, psychological researchers, provider of consultation services, or expert testimony and to clarify permitted usages of written or computerized interpretations of psychological testing by clinical social workers, marriage and family therapists, professional art therapists, advanced registered nurse practitioners, physicians, or occupational therapists, and to allow temporarily employed nonresidents to practice for a limited time; amend KRS 319.032 to increase continuing education hours for license renewal; amend KRS 319.050 to require applicants to pass national EPPP examination, require applicants to pass ethical examination, and empower board of psychology to assess acceptability of doctoral degrees in psychology before admittance to practice; modify responsibilities and requirements for "Health Service Providers"; amend KRS 319.053 to allow board of psychology to establish written test for applicants on psychological practice, ethical principles, and the law.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Licensing and Occupations

## BR 14 - Representative Rob-

## ert R. Damron (12/18/09)

AN ACT relating to Kentucky Access.

Amend KRS 304.17B-015 to require Kentucky residency for eligibility in Kentucky Access, clarify that eligible individuals cannot be eligible for other group health insurance coverage but may be eligible for individual coverage, to provide that dependents shall not be eligible for Kentucky Access if group coverage has been waived, and to clarify by listing related individuals who are permitted to pay a member's premium; amend KRS 304.17B-019 to delete the requirements that one offered plan shall be the standard benefit plan; amend KRS 344.040 to allow employers to charge smokers a higher rate for an employer-sponsored health plan and to offer incentives for smoking cessation.

(Prefiled by the sponsor(s).)

## BR 15 - Representative Robert R. Damron (09/15/09)

AN ACT relating to mold remediation standards.

Create new sections of Subchapter 20 of KRS Chapter 224 to state the General Assembly's finding that reasonable standards for the remediation of mold in private and public settings should be maintained; define "customer," "department," "mold," "mold remediation," and "mold remediation company"; establish the basis for minimum mold remediation standards; provide that the Cabinet for Health and Family Services shall adopt administrative regulations relating to mold remediation standards; require complaints about mold remediation companies to be directed to the Attorney General; establish that the Attorney General has jurisdiction to enforce the mold remediation provisions and the ability to recover litigation costs.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

## BR 18 - Representative Robert R. Damron (12/15/09)

AN ACT relating to postsecondary educational institution capital projects to be financed by university restricted funds.

Create new section of KRS Chapter 164A to provide an interim process for approval of certain cash-funded capital projects, subject to approval by the governing board and the Council on Postsecondary Education and other restrictions; provide procedures to comply with LRC v. Brown.

(Prefiled by the sponsor(s).)

## BR 19 - Representative Robert R. Damron (12/15/09)

AN ACT relating to postsecondary institution debt.

Create new sections of KRS Chapters 48 and 164A to provide a process for postsecondary institutions to issue agency bonds upon authorization by the General Assembly; amend KRS 48.180 to conform.

(Prefiled by the sponsor(s).)

## BR 20 - Representative Jody Richards (10/06/09)

AN ACT relating to crimes and punishments.

Create a new section of KRS Chapter 531 to prohibit a person under 18 years of age from transmitting a nude image of himself or herself or another person under 18 years of age to another person by computer or electronic means as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provide for juvenile court jurisdiction; prohibit requiring registration as sex offender; create new section of KRS Chapter 531 to prohibit possession of a nude image of a person under 18 years of age as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provide for juvenile court jurisdiction for person under 18 at time of commission of offense and District Court jurisdiction for persons over 18; prohibit requiring registration as sex offender.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

**BR 23 - Representative Jeff Greer (06/10/09)**

AN ACT relating to insurance licensing.

Amend KRS 304.3-180 to reduce the number of consecutive years from seven to five that an insurer may use the same lead or coordinating audit partner of an accountant firm for preparing the audited financial statement, effective beginning with the year 2010 statutory audits; amend KRS 304.9-020 to define “rental vehicle insurance,” “rental vehicle agent” and “rental vehicle agent managing employee”; amend KRS 304.9-133 to delete the requirement that business entities file an annual report of all designated individuals who were not terminated on or prior to December 31; amend 304.9-150 to remove the requirement that a business entity applicant file with its application a certificate issued by the Kentucky Secretary of State demonstrating that it can do business in Kentucky and a copy of its assumed name certificate; provide that a business entity applicant or licensee shall not use a name which is the same or deceptively similar to another business entity licensee; amend KRS 304.9-230 to add rental vehicle as a limited line of authority subject to the general licensing requires for all general agents; amend KRS 304.9-505, 304.9-507, and 304.9-509 to conform; repeal KRS 304.9-485, 304.9-501, 304.9-503, and 304.9-513.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Banking and Insurance

**BR 24 - Representative Jeff Greer (06/10/09)**

AN ACT relating to insurance loss run statements.

Create a new section of Subtitle 20 of KRS Chapter 304 to define terms; require an insurer to provide a loss run statement within ten days of a written request submitted an insured by or another insurer; provide that the loss run statement shall be for a five-year loss run history, or a complete history if less than five years; prohibit the receiving agent from divulging consumer information to a third party; prohibit an insurer from charging a fee for the first loss run statement; create a new section of Subtitle 99 of KRS Chapter 304 to provide that an insurer or insurer’s agent that does not provide a loss run statement as requested

shall be fined not less than \$100 nor more than \$250 for each day the loss run statement is not provided.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Banking and Insurance

**BR 30 - Representative Robert R. Damron, Representative Fitz Steele (12/17/09)**

AN ACT relating to military affairs.

Amend KRS 36.450 relating to extension of various licenses for military personnel to provide that a concealed deadly weapon license issued pursuant to KRS 237.110 is not subject to extension but may be renewed early and by mail; allow military personnel whose license expired while on active duty to renew the license within 90 days after the end of deployment with no late fees or other penalties.

(Prefiled by the sponsor(s).)

**BR 31 - Representative Bill Farmer (10/27/09)**

AN ACT relating to taxation and declaring an emergency.

Amend various sections of KRS Chapter 139 to expand the sales and use tax base to include certain services, rental of commercial real estate, and the sale, rental, or lease of shelf space or any other area to display a product; repeal certain exemptions and lower the sales and use tax rate from 6% to 5.5%; create a new section of KRS Chapter 141 to apply the provisions of that chapter to taxable years beginning before January 1, 2011; amend KRS 141.020, 141.040, and 141.0401 to make the individual income tax, corporation income tax, and the limited liability entity tax effective for taxable years beginning before January 1, 2011; amend KRS 138.358 and various sections of KRS Chapter 139 to conform; repeal KRS 139.486; EFFECTIVE July 1, 2010, EMERGENCY.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

**BR 38 - Representative Tom Riner (06/25/09)**

AN ACT relating to shock

probation.

Amend KRS 439.265 to prohibit shock probation until either service of one year of imprisonment or completion of a comprehensive substance abuse treatment with supplemental character and education components; amend to allow victim’s next-of-kin to consent in writing to granting shock probation to the defendant; provide for short title, “The Kentuckians against Drunk Driving Act.”

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

**BR 47 - Representative Jody Richards (07/30/09)**

AN ACT relating to highway signs.

Amend KRS 177.078 to permit an applicant approved for a limited supplemental guide sign to have the option to reimburse the Transportation Cabinet in full for the sign and its installation or to amortize the reimbursement costs for a period not to exceed 10 years.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

**BR 48 - Representative Arnold Simpson (10/20/09)**

AN ACT relating to the initial removal of dead human bodies.

Create new sections of KRS Chapter 316 to provide for who shall apply for a permit, and who shall be exempt from the permit requirements; establish conditions of eligibility for a permit; indicate permit fees and when a permit expires; establish guidelines relating to the use of a vehicle; require the board to promulgate administrative regulations relating to the application procedures and the initial removal of dead human bodies; authorize the board to punish permit holders for violations, and persons engaging in the initial removal without a permit; require permit holders to complete a course on blood borne diseases required by the board and approved by the Cabinet for Health and Family Services before functioning on behalf of an entity regulated by this chapter; amend KRS 316.010 to define “initial removal of dead human bodies”; amend KRS 316.125 to establish who may supervise and engage in the initial removal of dead human bodies in-

cluding when supervision is required.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Licensing and Occupations

**BR 49 - Representative Arnold Simpson (08/10/09)**

AN ACT relating to criminal record expungement.

Create a new section of KRS Chapter 431 to allow a person convicted of one Class D felony or a series of Class D felonies arising out of a single event to petition to have the felony record expunged under specified circumstances; amend KRS 431.078, relating to misdemeanor expungements, to begin the five-year waiting period from the date of adjudication of the offense; amend KRS 527.040, relating to possession of a firearm by a felon, to exempt individuals who have had their felony records expunged; create a new section of KRS Chapter 431 to require the Administrative Office of the Courts to keep a confidential index of expungement orders for utilization in the preparation of presentence investigations.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

**BR 50 - Representative Ron Crimm (07/29/09)**

A CONCURRENT RESOLUTION affirming the principles of the Ninth and Tenth Amendments to the United States Constitution and declaring that the United States Constitution will be nullified if the federal government assumes further powers that it does not possess.

Reaffirm the principles of government expressed by Thomas Jefferson in a resolution written for the Kentucky legislature in 1798; declare that the nation represents a compact among the states, and that the federal government possesses only the powers delegated to it by the United States Constitution; describe the limits of federal power under the Ninth and Tenth Amendments to the United States Constitution; determine a method for communicating these principles to other states; declare that any act of the federal Congress, executive order of the President of the United States, or judicial order of the federal court that assumes a power not delegated to the United States government will



constitute a nullification of the United States Constitution; declare that, upon such a nullification, all powers previously delegated to the United States will revert to the several states individually; list some federal actions that would bring about such a nullification; declare that any future government of the United States would require ratification by three-quarters of the states.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

### **BR 51 - Representative Rick G. Nelson (12/16/09)**

AN ACT relating to the taking of black bears.

Create a new section of KRS Chapter 150 to allow an authorized person to take a black bear that threatens human safety within 30 yards of an occupied dwelling.

(Prefiled by the sponsor(s).)

### **BR 54 - Representative Stan Lee, Representative Addia Wuchner, Representative Myron Dossett, Representative Joseph M. Fischer, Representative Thomas Kerr (06/02/09)**

A CONCURRENT RESOLUTION claiming sovereignty over powers not granted to the federal government by the United States Constitution; serving notice to the federal government to cease mandates beyond its authority; and stating Kentucky's position that federal legislation that requires states to comply under threat of loss of federal funding should be prohibited or repealed.

Declare state sovereignty over powers not given to the federal government by the U. S. Constitution; demand the federal government to cease mandates beyond constitutionally delegated powers; prohibit federal legislation requiring state passage of laws under threat of penalties or sanctions; direct the Clerk to distribute copies of the Resolution.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

### **BR 57 - Senator Katie Kratz Stine (06/05/09)**

A JOINT RESOLUTION designating Kentucky Route 8 in the city limits of Dayton, Kentucky in honor and memory of Staff Sergeant Nicholas R. Carnes.

Direct the Transportation Cabinet to designate Kentucky Route 8 in the city limits of Dayton in honor and memory of Staff Sergeant Nicholas R. Carnes and to erect signs on Kentucky Route 8 that read, "Staff Sergeant Nicholas R. Carnes Memorial Highway."

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

### **BR 58 - Senator Katie Kratz Stine (06/05/09)**

A JOINT RESOLUTION designating Kentucky Route 8 in the city limits of Bellevue, Kentucky in honor and memory of Sergeant Justin A. Scott.

Direct the Transportation Cabinet to designate Kentucky Route 8 in the city limits of Bellevue in honor and memory of Sergeant Justin A. Scott and to erect signs on Kentucky Route 8 that read, "Sergeant Justin A. Scott Memorial Highway."

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

### **BR 60 - Representative Charles Siler (06/23/09)**

AN ACT relating to Kentucky State Parks.

Create a new section of KRS Chapter 148 to provide qualified Kentucky residents who are permanently and totally disabled veterans an exemption from the relevant overnight accommodations rate at any Kentucky State Park; require the exemption to apply to a maximum of three overnight stays per calendar year at lodge rooms and campsites at any Kentucky State Park, with each stay limited to a maximum of three days; require the exemption to be subject to space availability; limit reservations during peak months to Sunday through Thursday; require that administrative regulations shall be promulgated to define peak periods, establish a ten day reservation window, define applicable lodging, and regulations relating to the proof of eligibility for persons entitled to the exemption.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Economic Development and Tourism

### **BR 61 - Representative Addia Wuchner, Representative Tom Burch (12/03/09)**

AN ACT relating to physical activity designed to reduce obesity and improve body mass index in children.

Create a new section of KRS Chapter 156 to require the Kentucky Department of Education to identify and disseminate model resources for integrating physical activity during the school day; encourage schools to utilize certified physical education teachers in the development of physical activity plans; develop a reporting mechanism for schools containing grades K-5 to report physical activity, aggregate body mass index, and wellness program data; require the Department of Education to report no later than November 1 of each year to the Interim Joint Committee on Education and the Interim Joint Committee on Health and Welfare; require the Department of Education to share data with the Cabinet for Health and Family Services to assist in planning improvements in health services for children; amend KRS 160.345 to require that school council wellness policies provide for at least 30 minutes of structured moderate to vigorous physical activity, 150 minutes per week, or the equivalent per month; require school councils to report progress data; require that structured physical activity be considered part of the instructional day; prohibit exclusion from structured physical activity as a form of discipline; encourage schools with grades 6-8 to adopt similar policies; amend KRS 158.6453 to require inclusion of physical activity and wellness data in school report card; cite the Act as the Healthy Kids Act.

(Prefiled by the sponsor(s).)

### **BR 62 - Representative Addia Wuchner, Representative Linda Belcher (12/09/09)**

AN ACT relating to early education assessment and intervention.

Create a new section of KRS Chapter 158 to define "aphasia," "dyscalculia," "dysgraphia," "dyslexia," "phonemic awareness," and "scientifically based research"; require

the Kentucky Board of Education to promulgate administrative regulations to implement district-wide use of K-3 response-to-intervention system in reading by August 1, 2011, in mathematics by August 1, 2012, and behavior by August 1, 2013; require the Department of Education, on or before January 1, 2011, to make available technical assistance, training and a Web-based resource to assist all local school districts in the implementation of the system and instructional tools based on scientifically based research; require the department to collaborate with other state agencies and organizations; require conformity with 20 U.S.C. 1414(a)(1)(E) for initial evaluations of students with suspected disabilities; require the department to report to the Interim Joint Committee on Education on implementation by November 30, 2011, and annually thereafter; amend KRS 157.200 to conform with the federal definition of a "specific learning disability."

(Prefiled by the sponsor(s).)

### **BR 65 - Representative Ron Crimm (06/03/09)**

AN ACT relating to domestic relations and declaring an emergency.

Amend KRS 403.200, relating to temporary orders, to permit a court to provide for wage assignment and automatic electronic transfer of funds for payment of spousal maintenance; amend KRS 403.270, relating to custodial issues, to add the promotion of a healthy relationship between the child and other custodian or parent as a factor for the consideration of awarding custody of children; amend KRS 530.050, relating to nonsupport and flagrant nonsupport, to add spouse and former spouse; EMERGENCY.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 66 - Representative Ron Crimm (07/29/09)**

AN ACT relating to the gross revenues and excise tax fund and declaring an emergency.

Amend KRS 136.650 to increase the "hold-harmless amount" for fiscal year 2010-2011 and every fiscal year thereafter; amend KRS 136.654 to require the Department of Revenue to determine if it is necessary for a participating political subdivision to

certify its total tax receipts; EMERGENCY.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

## **BR 70 - Senator Gary Tapp (09/25/09)**

AN ACT relating to motor vehicle repair claims.

Create a new section of Subtitle 9 of KRS Chapter 304 to define “claimant,” “deceptive referral,” “request or require,” and “usual and customary rate”; set forth insurer notification requirements regarding the ability of a claimant to choose their own provider for vehicle repairs; set forth requirements for payment of vehicle accident claims; prohibit insurance companies requesting or requiring that claim work be performed at a particular shop; prohibit insurance companies from engaging in deceptive referral practices; amend KRS 304.99-110 to set penalties for violations.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Banking and Insurance

## **BR 71 - Representative Jody Richards (12/17/09)**

AN ACT relating to state employee health insurance.

Create a new section of KRS 18A.225 to 18A.2287 to require the Personnel Cabinet to establish a pilot program to improve the health and wellness outcomes of state employees; require the pilot program to provide a reduced monthly cost for a fully insured health benefit plan or self-insured plan offered by the Public Employee Health Insurance Program to an employee who participates in wellness activities; require the wellness activities to be approved by the cabinet; require the cabinet to determine the amount of the reduced monthly cost and the level of participation required to qualify for the reduced cost; establish that the pilot program is to be in effect January 1, 2011, to December 31, 2014; require the cabinet to submit an annual report on the results of the pilot program on or before December 1.

(Prefiled by the sponsor(s).)

## **BR 73 - Representative Fitz Steele (07/16/09)**

AN ACT relating to investment of the Local Government Economic Assistance Fund balances.

Amend KRS 42.450 to eliminate the requirement that balances in the Local Government Economic Assistance Fund be invested in United States Government Securities maturing not later than one year from the date of investment and require that investment of the fund balances be governed by KRS 42.500.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

## **BR 75 - Representative Rick G. Nelson (07/09/09)**

AN ACT relating to the Education Professional Standards Board.

Amend KRS 161.028 to add the chairpersons of the Interim Joint Committee on Education as ex officio members of the Education Professional Standards Board.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

## **BR 79 - Representative Brad Montell, Representative Stan Lee, Representative Scott W. Brinkman, Representative Jim DeCesare, Representative Bill Farmer, Representative Mike Harmon, Representative Tim Moore (10/12/09)**

AN ACT relating to public school academies.

Create new sections of KRS Chapter 160 to describe the intent of the General Assembly and the purposes of authorizing public school academies; define terms; outline the requirements and limitations on the establishment of public school academies including which agencies may sponsor an academy; describe a sponsor’s roles and responsibilities; describe exemptions from law and required compliance areas for public school academies; describe the application, approval, and renewal processes; describe application process for existing schools to convert to public school academies; create new sections of KRS Chapter 156 to list the Kentucky Department of Education’s and

the Kentucky Board of Education’s roles and responsibilities relating to public school academies; require the Kentucky Board of Education to establish a Kentucky Public School Academy Commission for reviewing and approving public school academy applications; identify the academy commission membership, members’ terms of office, and payment for members’ services; create a new section of KRS Chapter 157 to direct how state, local, and federal funds shall be used to support public school academies; amend KRS 157.370 to allow a public school academy to receive transportation funds; create a new section of KRS 160 to provide that professional negotiated contracts cannot override provisions for public school academies; amend KRS 156.704, 156.255, 156.265, and 156.480 to conform.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

## **BR 82 - Representative Brad Montell (07/28/09)**

AN ACT relating to school attendance.

Amend KRS 158.070 to allow students to be counted present at school when participating in school-sponsored regional or state sports competitions sanctioned by the Kentucky Board of Education or its designated agency if the competition occurs on a regularly scheduled school day; require students to make up any missed assignments; amend KRS 158.649 to conform.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

## **BR 86 - Representative Brad Montell (10/02/09)**

AN ACT relating to retirement.

Amend KRS 6.505 to close the Legislators’ Retirement Plan to legislators who have not previously participated in the plan and who begin their first term of office on or after July 1, 2011; create new sections of KRS Chapter 6 to establish the Legislators’ Defined Contribution Plan for legislators who begin their first term of office on or after July 1, 2011; provide that the plan shall be administered by the Kentucky Deferred Compensation Authority; allow the authority to utilize plans

already established or to establish new plans to administer the Legislators’ Defined Contribution Plan; provide an employer match of up to 5 percent of the legislator’s wages; provide that a legislator participating in the plan shall be vested for employer contributions on a sliding scale that fully vests the legislator for the employer contributions at five years; provide that the benefits provided by the Legislators’ Defined Contribution Plan shall not constitute an inviolable contract of the Commonwealth; amend KRS 18A.245 to establish responsibilities of the board of the Kentucky Deferred Compensation Authority to administer the Legislators’ Defined Contribution Plan; amend KRS 61.680 and 161.607, governing the Kentucky Retirement Systems and the Kentucky Teachers’ Retirement System, to clarify that a legislator who begin his or her first term of office on or after July 1, 2011, shall not participate in these plans as a result of service in the General Assembly; provide that the service earned in the Legislators’ Defined Contribution Plan may be used for purposes of determining eligibility for retirement in the state-administered retirement systems, but not the amount of benefits; require the board of the Legislators’ Defined Contribution Plan to provide an update on the development of the plan, including any state or federal law issues that need to be resolved, to the Interim Joint Committee on State Government by October 31, 2010.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

## **BR 87 - Representative Arnold Simpson (08/05/09)**

AN ACT relating to open records.

Amend KRS 61.870 to include in the definition of public agency those bodies that participate in the state retirement systems.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

## **BR 88 - Representative Arnold Simpson (12/18/09)**

AN ACT relating to the sale of alcoholic beverages.

Amend KRS 242.100 to permit the sale of alcoholic beverages on local option election days under



specified circumstances; amend KRS 244.290 to permit a premises that is licensed to sell distilled spirits or wine at retail to remain open on election days under specified circumstances; amend KRS 244.480 to permit malt beverage retailers to sell, give away, or deliver malt beverages on election days under specified circumstances; amend KRS 119.215, 243.0305, and to conform.

(Prefiled by the sponsor(s).)

### **BR 93 - Representative Mary Lou Marzian (07/08/09)**

AN ACT proposing to repeal Section 233A of the Constitution of Kentucky relating to marriage.

Propose to amend the Constitution of Kentucky to repeal the definition of marriage; submit to voters for approval or disapproval.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

### **BR 95 - Representative Darryl T. Owens (08/28/09)**

AN ACT relating to crimes and punishments.

Amend KRS 532.356 to remove the provisions requiring the withdrawal of driving privileges for persons convicted of a theft offense who have not paid court ordered restitution; include non-codified transitional provisions for persons whose driving privileges had been previously removed.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 96 - Senator Julie Denton (10/15/09)**

AN ACT relating to health care services provided in clinical trials for the treatment of cancer.

Create a new section of Subtitle 17A of KRS Chapter 304 to prohibit a health benefit plan from excluding coverage for routine patient healthcare costs that are incurred in the course of a cancer clinical trial if the health benefit plan would provide coverage for the routine patient healthcare cost had it not been incurred in a cancer clinical trial; provide that nothing in this section requires a policy to offer, nor prohibit a policy from offering, cancer clinical trial services by a participat-

ing provider; provide that nothing in this section requires services that are performed in a cancer clinical trial by a non-participating provider of a policy to be reimbursed at the same rate as those performed by a participating provider of the policy.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Banking and Insurance

### **BR 97 - Representative Mike Harmon (12/15/09)**

AN ACT relating to driving under the influence.

Amend various sections in KRS Chapter 189A, relating to driving under the influence, to restructure the existing penalties from a four-tiered structure to a three-tiered structure; expand the five year look back window for prior offenses from 5 years to 10 years, and to allow forfeiture of motor vehicles used in a DUI if the operator's license had been previously suspended; amend KRS 281A.2102 to conform.

(Prefiled by the sponsor(s).)

### **BR 98 - Representative David Floyd, Representative Darryl T. Owens (07/02/09)**

AN ACT relating to mental illness.

Amend KRS 532.130 to define severe mental illness; amend KRS 532.135 to include a severely mentally ill defendant; amend KRS 532.140 to include severely mentally ill offender and to establish effective date.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 99 - Representative Carl Rollins II (12/17/09)**

AN ACT relating to a city official's training program.

Create a new section of KRS Chapter 64 to define terms concerning a city officers training program; create a new section of KRS Chapter 64 to permit a city to pass an ordinance creating a city officers training program and set out requirements for the ordinance; create a new section of KRS Chapter 64 to provide for the designation of an administrator of the city officers training program for the city, set

out the qualifications and duties of the administrator, and provide penalties for unlawful acts; create a new section of KRS Chapter 64 to provide for ceasing participation in the program, disqualifying incentive payments from the program as being part of pay for retirement, the setting or raising of compensation, or for maximum compensation purposes; clarify that the provisions of the Act do not prohibit a city from creating alternative incentives for the training and educating of its officers and employees; create a new section of KRS Chapter 147A to provide that the Governor's Office for Local Development is to establish a list of approved administrators and set the process for doing so; provide that the office may deem itself an approved administrator; amend KRS 78.510 to conform; amend KRS 64.990 to specify Class D felony penalty for unlawful act.

(Prefiled by the sponsor(s).)

### **BR 101 - Senator Elizabeth Tori (12/09/09)**

AN ACT relating to honoring military service.

Amend KRS 18A.150 to expand the state hiring preference honoring military service; require the adding of five or ten preference points to a military-connected individual's examination score used for state hiring in classified positions; permit the total of an examination score and preference points to exceed 100; require that a register certificate of finalists for a state job identify all finalists entitled to preference points, whether or not an examination is actually a part of the selection method; require that an employing state agency offer an interview to all finalists entitled to preference points unless five or more of the finalists are entitled preference points, in which case, the employing state agency shall offer an interview to no fewer than five.

(Prefiled by the sponsor(s).)

### **BR 107 - Representative Jim Glenn (10/05/09)**

AN ACT relating to college student financial awareness.

Create a new section of KRS Chapter 164 to require public postsecondary institutions to provide new undergraduates with information regarding credit cards and debt manage-

ment and encourage them to conduct informational sessions; encourage nonpublic postsecondary institutions to provide new undergraduates with information regarding credit cards and debt management and to conduct informational sessions; permit institutions to utilize existing debt education materials from nonprofit entities; and require the Kentucky Higher Education Assistance Authority to assist institutions in identifying appropriate materials and curricula.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### **BR 108 - Representative Jim Glenn (10/05/09)**

AN ACT designating burgoo as the state dish.

Create a new section of KRS Chapter 2 naming and designating burgoo as the state dish.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

### **BR 114 - Representative Brent Yonts (08/26/09)**

AN ACT relating to the Department of Corrections.

Create a new section of KRS Chapter 197 to prohibit any privatized inmate food service in the state's prisons.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 115 - Representative Stan Lee (07/22/09)**

AN ACT relating to charter schools.

Create new sections of KRS Chapter 160 to describe the intent of the General Assembly and the purposes of authorizing public charter schools; define terms; outline the requirements and limitations on the establishment of charter schools; describe local board of education's roles and responsibilities; describe exemptions from law and required compliance areas for charter schools; describe the application, approval, and renewal processes; describe process and application process for existing schools to convert to charter schools; create new sections of KRS Chapter 156 to list the Kentucky

Department of Education's and the Kentucky Board of Education's roles and responsibilities relating to charter school; require the Kentucky Board of Education to establish a Kentucky Charter School Advisory Committee for reviewing charter school applications; create a new section of KRS Chapter 157 to direct how state, local, and federal funds shall be used to support charter schools; amend KRS 156.074, 156.255, 156.265, and 156.480 to conform.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### BR 118 - Representative Rick G. Nelson (08/05/09)

AN ACT relating to personal communication devices.

Create a new section of KRS Chapter 189 to prohibit the use of a personal communication device for any person under the age of 18 while operating a motor vehicle; provide for exclusions; create a new section of KRS Chapter 189 to prohibit text messaging while operating a motor vehicle; provide for certain exclusions; amend KRS 189.990 to set penalties for violations for this Act; provide for a probationary period ending November 1, 2010, where courtesy warnings will be issued; set a fine of \$50 for each offense after the probationary period; exempt fines from court costs.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

### BR 120 - Representative Jody Richards (09/25/09)

AN ACT relating to criminal gangs.

Create new sections of KRS Chapter 17 to permit law enforcement and prosecution agencies to share criminal gang information; create a new section of KRS Chapter 431 to permit an action for civil damages in criminal gang activity and criminal gang recruitment cases; create a new section of KRS Chapter 431 to permit courts to enjoin criminal gang activity and criminal gang recruitment activity; create a new section of KRS Chapter 506 to create definitions relating to criminal gangs; create new sections of KRS Chapter 506 to create the crimes of criminal gang recruitment in the first degree and second degree and

permit seizure and forfeiture of criminal gang assets and property; amend KRS 506.150 relating to evidence necessary to establish criminal gang activity; repeal KRS 506.140 relating to criminal gang recruitment and definitions.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### BR 121 - Senator Ray S. Jones II (08/03/09)

AN ACT relating to health insurance.

Create a new section of subtitle 17A of KRS Chapter 304 to define applied behavior analysis," "autism services provider," "autism spectrum disorder," "diagnosis of autism spectrum disorders," "habilitative or rehabilitative care," "medically necessary," "pharmacy care," "psychiatric care," "psychological care," "therapeutic care," and "treatment for autism spectrum disorders"; create new section of subtitle 17A of KRS 304 that requires health policies covered in this subtitle to provide coverage for the diagnosis and treatment of autism spectrum disorders and their related conditions; prohibit insurance policies from limiting the number of visits an insured may make for such services; allow services provided by this section to be subject to copayment, deductible, and coinsurance provisions; give insurers the right to request a review of treatment not more than once every 12 months unless the insured's physician or psychologist agrees that a more frequent review is necessary; amend KRS 18A.225 to conform.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Banking and Insurance

### BR 122 - Senator Ray S. Jones II (09/09/09)

AN ACT relating to personal identification cards.

Amend KRS 186.412 to allow holders of personal ID cards who have been diagnosed with autism to receive a sticker identifying that condition to place on the ID card.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

### BR 123 - Representative Jody

### Richards (08/25/09)

AN ACT relating to the Kentucky educator award and recognition fund and making an appropriation therefor.

Create a new section of KRS chapter 156 to establish the Kentucky educator award and recognition fund to provide matching funds for schools that have state and national award winning educators who received cash awards or an equivalent benefit; require the Kentucky Department of Education to administer the fund.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### BR 124 - Representative David Floyd, Representative Bill Farmer (08/04/09)

A CONCURRENT RESOLUTION urging support for the Second Amendment of the United States Constitution and urging Congress not to enact any law that would infringe on the right to bear arms under the Constitution of Kentucky.

Urge support for the Second Amendment of the United States Constitution; urge Congress not to enact any law that infringes on the right to bear arms under the Constitution of Kentucky.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

### BR 126 - Representative Mike Cherry (12/17/09)

AN ACT relating to retirement.

Amend KRS 18A.205 to provide that a retiree who has been reemployed in a full-time position within state government on or after September 1, 2008, shall be eligible for life insurance benefits; amend KRS 61.510 and 78.510 to provide that the retirement systems shall add one or more fiscal years to the final compensation calculation for employees participating in the Kentucky Employees Retirement System or the County Employees Retirement System on or after September 1, 2008, if the member does not have five complete fiscal years of service upon retirement; amend KRS 61.637 to make technical changes.

(Prefiled by the sponsor(s).)

### BR 127 - Representative Mike Cherry (12/17/09)

AN ACT relating to retirement.

Amend KRS 61.645 to require that two of the three members appointed by the Governor to the Kentucky Retirement Systems board of trustees possess ten years of investment experience and to define investment experience; amend KRS 61.650 to establish a five-member investment committee for the Kentucky Retirement Systems comprised of the two gubernatorial appointees with investment experience and three trustees appointed by the board chair; limit the amount of assets managed by a single external investment manager to no more than 15 percent of the systems' portfolio; amend KRS 16.642 and 78.790 to clarify that the investment committee established by KRS 61.650 is the investment committee for the State Police Retirement System and the County Employees Retirement System; limit the amount of assets managed by a single external investment manager to no more than 15 percent of the systems' portfolio.

(Prefiled by the sponsor(s).)

### BR 128 - Senator Elizabeth Tori (12/09/09)

AN ACT relating to the military family assistance trust fund.

Amend KRS 36.474 to make military personnel and their family eligible for military family assistance trust grants for 180 rather than 90 days after the end of deployment, and to provide for grants for a demonstrated need for a group of several member of the military or their families if approved by a majority of the military family assistance trust fund board; require regulations be drafted to implement the changes.

(Prefiled by the sponsor(s).)

### BR 130 - Senator Elizabeth Tori (12/09/09)

AN ACT relating to veterans' affairs.

Amend KRS 216B.015 to define "medical foster home"; amend KRS 216B.020 to exempt medical foster homes from certificate of need requirements.



(Prefiled by the sponsor(s).)

### BR 132 - Representative Jody Richards (07/30/09)

A CONCURRENT RESOLUTION directing the Legislative Research Commission to create a task force to establish a strategy to provide home laptop computers for middle school students.

Direct the Legislative Research Commission to establish a legislative task force to establish a strategy to provide home laptop computers for middle school students; establish task force by August 1, 2010; report findings to appropriate committee or committees no later than December 1, 2010.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### BR 133 - Representative Jody Richards (07/30/09)

AN ACT relating to dating violence.

Amend KRS 403.720 to include dating partners among the class of persons allowed to obtain domestic violence protective orders; amend KRS 431.005 to reference the definition of “unmarried couple” in KRS 403.720.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### BR 134 - Senator Gary Tapp (12/16/09)

AN ACT relating to alcoholic beverage control.

Amend KRS 241.010, 241.060, 241.080, 243.090, 243.100, 243.200, 243.390, 243.440, 243.450, 243.500, 243.510, 243.520, 243.530, 243.620, 243.630, 243.640, 243.650, 243.660, 243.670, 244.030, 244.060, 244.070, 244.090, 244.130, 244.150, and 244.240 to encompass all licenses issued under KRS Chapters 241 to 244; redefine “small farm winery” to prohibit a small farm winery from manufacturing or producing brandies or cordials; include limited partnership, limited liability, company, and any other business entity created by law in the definition of “caterer”; amend KRS 242.100 to narrow local option election alcohol sales restrictions to

the affected territory rather than the entire county and for only the time that the polls are open; amend KRS 243.031 to make language regarding small farm wineries fit the current terminology; allow license expiration and renewal after notification by the Office of Alcoholic Beverage Control; amend KRS 243.100, 243.110, 243.360, 243.390, 243.540, 243.640 and 244.990 to include limited liability companies, limited partnerships, and other business entities created by law in corporate licensing statutes; amend KRS 243.100 and 243.390 to prohibit a misdemeanor or violation under any part of KRS Chapter 218A, relating to controlled substances, rather than only citing specific sections in that chapter; amend KRS 243.155 to prohibit a small farm winery from manufacturing or producing brandies or cordials; amend KRS 243.160 to remove outdated references to “consumer’s spirits stamps”; amend KRS 243.220 to delete outdated requirements and exemptions regarding retail licensee premises and entrance location and configuration; amend KRS 243.360 to add hotel in-room licenses and sampling licenses to the list of licenses that do not require advertising the intent to seek the license; amend KRS 243.500 to unify the office’s prohibitions and procedures dealing with license revocation and suspension; allow license revocation or suspension for violating the alcohol ordinances, administrative regulations, or statutes of a local alcohol beverage authority, the office, or the federal government; permit license revocation or suspension for offenses relating to the trafficking or possession of controlled or illegal substances, knowing receipt of stolen property, illegal gambling activities, tax offenses, or any cause which the board deems sufficient; authorize the payment of fines or attendance at alcoholic beverage server training in lieu of part or all of the days of a license suspension period; deposit any state-level payments in the State Treasury credited to the general fund, and any local payments in the same manner as local alcoholic beverage license tax receipts; make appeals from orders of suspension and any resulting procedures the same as those for orders of revocation under KRS Chapter 13B; amend KRS 244.083 to increase the fine for designated underage alcohol possession and related crimes from \$100 to \$250; amend KRS 244.290, 244.295, and 244.480 to include local option elections within the election day alcohol sales prohibition; make

technical corrections; repeal KRS 243.480 and 243.490.

(Prefiled by the sponsor(s).)

### BR 135 - Representative Will Coursey (08/05/09)

AN ACT relating to water transportation and making an appropriation therefor.

Create new sections of KRS Chapter 174 to establish the Water Transportation Advisory Board as an advisory body to the executive and legislative branches of government; provide for members, terms, and administrative procedures; specify duties; create a riverport marketing assistance trust fund to be administered by the Cabinet for Economic Development; provide for grants of up to \$15,000 per project or \$30,000 per applicant annually for specified marketing activities; create a riverport financial assistance trust fund to be administered by the Transportation Cabinet; provide for financial assistance for new construction and major replacement or repair projects for Kentucky’s riverports; provide for matching grants.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

### BR 137 - Representative Brent Yonts (12/16/09)

AN ACT relating to compulsory school.

Amend KRS 159.010 to provide that effective July 1, 2012, compulsory school attendance shall be between the ages of six and 17; provide that effective July 1, 2013, compulsory school attendance shall be between the ages of six and 18; amend KRS 159.020 to conform.

(Prefiled by the sponsor(s).)

### BR 138 - Representative Brent Yonts (12/15/09)

AN ACT relating to controlled substances.

Amend KRS 218A.202 to allow a person to request a report relating to that person’s own records generated within the electronic controlled substance reporting database except where the request for the record is being compelled within the context of a civil, criminal, or administrative proceeding.

(Prefiled by the sponsor(s).)

### BR 139 - Senator Joey Pendleton (09/02/09)

AN ACT relating to industrial hemp.

Create new sections of KRS Chapter 260 to define “department,” “industrial hemp,” and “THC”; require persons wanting to grow or process industrial hemp to be licensed by the Department of Agriculture; require criminal history checks by local sheriff; require the Department of Agriculture to promulgate administrative regulations to carry out the provisions of the Act; require sheriff to monitor and randomly test industrial hemp fields; assess a fee of \$5 per acre for every acre of industrial hemp grown, with a minimum fee of \$150, to be divided equally between the Department of Agriculture and the appropriate sheriff’s department; require licensees to provide the Department of Agriculture with names and addresses of any grower or buyer of industrial hemp and copies of any contracts the licensee may have entered into relating to the industrial hemp; clarify that the Act does not authorize any person to violate federal law.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Agriculture

### BR 142 - Representative Fitz Steele (09/17/09)

A JOINT RESOLUTION naming a portion of Kentucky Route 840 in Harlan County in honor of Jerry Chesnut.

Direct the Transportation Cabinet to designate the “Jerry Chesnut Highway” on Kentucky Route 840 in Harlan County and erect appropriate signs.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

### BR 144 - Representative Tim Firkins (12/15/09)

AN ACT relating to contracts.

Create a new section of KRS Chapter 367 to require that consumer contracts with an automatic renewal clause have the clause conspicuously

displayed in the contract; require that notice of an upcoming renewal period be sent to the consumer; provide enforcement by the Attorney General.

(Prefiled by the sponsor(s).)

**BR 145 - Representative Joni L. Jenkins (08/12/09)**

AN ACT relating to dating violence.

Amend KRS 403.720 relating to domestic violence orders to include dating partners among the class of persons allowed to obtain domestic violence protective orders; amend KRS 431.005 relating to arrests by peace officers to reference the definition of “unmarried couple” including dating partners in KRS 403.720.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

**BR 146 - Representative Joni L. Jenkins, Representative Alecia Webb-Edgington (12/15/09)**

AN ACT relating to electronic warrants.

Amend KRS 17.131 to require all criminal justice system participants, certain state agencies, the Court of Justice, and the Administrative Office of the Courts to participate in the state-wide electronic warrant (e-warrant) system; provide that any entity failing to cooperate and participate shall be denied access to state and federal grants; provide that the e-warrant system is to be maintained by the Kentucky Department of State Police.

(Prefiled by the sponsor(s).)

**BR 150 - Representative Jim Gooch Jr. (11/20/09)**

AN ACT relating to motor vehicle license plates.

Create a new section of KRS Chapter 186 to establish an “In God We Trust” license plate as an alternate standard-issue license plate; set forth design characteristics and eligibility standards; amend KRS 186.240 to conform; EFFECTIVE January 1, 2011.

(Prefiled by the sponsor(s).)

**BR 159 - Representative Bill**

**Farmer, Representative Jim DeCesare, Representative Alecia Webb-Edgington, Representative Addia Wuchner (10/12/09)**

AN ACT relating to sales tax on alcohol.

Amend KRS 139.470 to exempt gross receipts from the sale of distilled spirits, wine, and malt beverages, not consumed on the premises, from sales and use tax; effective August 1, 2010.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

(Prefiled by the sponsor(s).)

**BR 164 - Representative Hubert Collins (09/02/09)**

AN ACT relating to special license plates.

Amend KRS 186.164 to clarify procedures to follow when the Transportation Cabinet denies a group’s application for a special license plate.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

**BR 165 - Senator John Schickel (10/09/09)**

A RESOLUTION supporting Charles “Ed” Massey’s candidacy for the post of secretary-treasurer of the National School Boards Association.

Support Charles “Ed” Massey’s candidacy for the post of secretary-treasurer of the National School Boards Association.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

**BR 167 - Senator Carroll Gibson (12/18/09)**

AN ACT related to uniforms acquired by and on behalf of public employers.

Create a new section of KRS Chapter 45A to prohibit public employers in the Commonwealth from purchasing, acquiring, furnishing, or requiring an employee to purchase or acquire uniforms, wearing apparel, safety equipment, or protective accessories not manufactured in the United

States of America, unless such items are not manufactured or available for purchase in the United States of America.

(Prefiled by the sponsor(s).)

**BR 168 - Representative Rick G. Nelson (08/20/09)**

AN ACT relating to public safety.

Create a new section of KRS Chapter 177 to require the department of highways to inspect all public railroad grade crossings with an average daily traffic count of 700 vehicles or more at least 2 times per year; require results of inspection to be kept on file for 5 years; require the department to promulgate administrative regulations to establish standards for railroad grade crossings; specify that within 30 days of being notified that a crossing is substandard that the railroad company submit plans for improvement; permit the department to issue an order to the railroad company to make improvement to a railroad grade crossing pursuant to the procedures set forth in KRS 177.150 through 177.210.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

**BR 169 - Representative Rick G. Nelson (09/21/09)**

AN ACT relating to school district vehicles and declaring an emergency.

Create a new section of KRS 160 to prohibit local school boards from providing a district employee the use of a district-owned or leased vehicle, except for buses and maintenance vehicles; allow a district employee to be reimbursed for mileage when using a personal vehicle for school or district business outside the school district boundaries.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

**BR 172 - Representative Darryl T. Owens (08/28/09)**

AN ACT proposing to amend Section 228 of the Constitution of Kentucky.

Propose to amend Section 228 of the Constitution of Kentucky to delete language regarding duels; submit

to the voters for approval or disapproval.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

**BR 180 - Representative Jody Richards (09/04/09)**

AN ACT relating to personal communication devices.

Create a new section of KRS Chapter 189 to define “personal communication device”; prohibit text messaging while operating a motor vehicle; provide for specific exclusions; amend KRS 189.990 to set penalties; provide for a probationary period ending January 1, 2011, during which courtesy warnings will be issued; set fine for violation at \$20 to \$100 for each offense after the probationary period; exclude court costs.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

**BR 181 - Senator Bob Leeper (11/17/09)**

AN ACT relating to nuclear power.

Amend KRS 278.600 to define “storage” and amend a definition to require that nuclear power facilities have a plan for the storage of nuclear waste rather than a means for permanent disposal; amend KRS 278.610 to delete the requirement that the Public Service Commission certify the facility as having a means for disposal of high-level nuclear waste; change all references to the disposal of nuclear waste to the storage of nuclear waste; prohibit construction of low-level waste disposal sites in the Commonwealth except as provided in KRS 211.852; require the Public Service Commission to determine whether the construction or operation of a nuclear power facility, including ones constructed by entities regulated under KRS Chapter 96, would create low-level nuclear waste or mixed wastes that would be required to be disposed of in low-level nuclear waste disposal sites in the Commonwealth; repeal KRS 278.605.

(Prefiled by the sponsor(s).)

**BR 182 - Representative Jesse Crenshaw (08/27/09)**



AN ACT relating to inmates.  
Amend KRS 196.180 to require wardens to expunge dismissed or voided inmate disciplinary reports.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee on Judiciary

**BR 183 - Senator Julian M. Carroll (12/15/09)**

AN ACT relating to consumer protection.

Create a new section of KRS 367.110 to 367.360 to define “person” and to require that any business that assesses a late penalty or fee against a consumer be required, when a refund is due to a consumer, to make the refund within the same time parameter used in assessing the penalty or pay the consumer a penalty or fee in the same amount; amend KRS 367.990 to establish a criminal penalty and permit the Attorney General to seek a civil penalty.

(Prefiled by the sponsor(s).)

**BR 185 - Representative Tom Burch, Representative Jim Wayne (09/17/09)**

AN ACT relating to the abolition of the death penalty.

Create a new section of KRS Chapter 532 to abolish the death penalty and require the court with jurisdiction over a person sentenced to death to sentence the person to imprisonment for life without benefit of probation or parole; amend KRS 24A.110, 27A.430, 431.060, 431.215, 431.510, 439.265, 506.010, 506.030, 506.040, 506.080, 507.020, 509.040, 520.120, 527.200, 532.030, 532.040, 532.050, 532.100, 532.140, 533.010, 610.265, 635.020, 635.090, 640.040, 17.176, 507A.020, and 422.285 to conform; repeal KRS 422.287, 431.213, 431.2135, 431.218, 431.220, 431.223, 431.224, 431.240, 431.250, 431.260, 431.270, 507A.060, 532.025, 532.075, 532.300, 532.305, and 532.309, relating to the death penalty.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee on Judiciary

**BR 187 - Representative Fitz Steele, Representative Fred Nesler (09/18/09)**

AN ACT relating to sales and use tax holidays and declaring an emergency.

Create a new section of KRS chapter 139 to establish a 3 day sales and use tax holiday the first weekend in August each year to exempt clothing, school supplies, school art supplies, computers, and school computer supplies; EMERGENCY.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee on Appropriations and Revenue

**BR 197 - Representative Rick G. Nelson (10/01/09)**

A JOINT RESOLUTION commending the Ridgetop Shawnee Tribe of Indians for their efforts on behalf of preserving Native American heritage.

Commend the Ridgetop Tribe of Shawnee Indians for their efforts to help their elderly and their youth; recognize their work to preserve their native language and heritage.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee on State Government

**BR 199 - Representative John A. Arnold Jr. (10/27/09)**

AN ACT relating to the operation of golf carts on public roads.

Amend KRS 189.286, relating to the ability of local governments to allow operation of golf cart on roads under their control, to expand the allowable distance from a golf course from five miles to seven miles.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee on Transportation

**BR 202 - Senator Julie Denton (09/28/09)**

AN ACT relating to sexual abuse.

Amend KRS 510.110, relating to sexual abuse in the first degree, to prohibit certain persons employed by or associated with an agency or facility responsible for detention or treatment from having sexual contact with persons incarcerated, supervised, evaluated, or treated by those agencies; amend KRS 510.120 to conform.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee

on Judiciary

**BR 203 - Representative Carl Rollins II (12/17/09)**

AN ACT relating to the establishment of a grant program for expanded learning time, making an appropriation therefor and declaring an emergency.

Create a new section of KRS Chapter 158 to establish a grant program for expanded learning time in the school year of 300 additional hours; provide exploratory planning grants for 2010 in selected schools and implementation 3-year grants based on criteria specified, beginning in spring 2011; require annual progress reports; require the Kentucky Department of Education to administer the program and provide technical assistance to schools and districts upon request; permit the department to use up to 5% of the funds for administering and evaluating the program; require the Interim Joint Committee on Education or another committee as determined by the Legislative Research Commission to evaluate the program in the 2016 Interim and make recommendations for whether the program should be expanded, maintained, discontinued, or modified; EMERGENCY.

(Prefiled by the sponsor(s).)

**BR 206 - Representative Mary Lou Marzian (12/18/09)**

AN ACT relating to sexual abuse.

Amend KRS 510.110, relating to sexual abuse in the first degree, to prohibit law enforcement personnel and certain persons employed by or associated with an agency or facility responsible for detention or treatment of offenders from having sexual contact, sexual intercourse, or deviate sexual intercourse with persons incarcerated, supervised, evaluated, or treated by those agencies; amend KRS 510.120 to conform.

(Prefiled by the sponsor(s).)

**BR 207 - Representative Mary Lou Marzian (12/15/09)**

AN ACT relating to public health.

Create a new section of KRS Chapter 158 to require science-based content and age appropriate and medically accurate standards for human

sexuality education, provide that a parent or guardian may excuse a child from the educational program and permit the parent or guardian to review instructional material upon request, and specify that nothing requires a school district, public school, or family resource and youth services center to offer human sexuality education; create a new section of KRS Chapter 211 to permit the Cabinet for Health and Family Services to refuse federal funding for abstinence-only education, require science-based content if state funds are received by the cabinet or subcontractor for human sexuality education or teen pregnancy prevention, permit cabinet to promulgate an administrative regulation to specify instructional content, and require an entity that receives state funding and offers human sexuality education or teen pregnancy prevention to adopt science-based content.

(Prefiled by the sponsor(s).)

**BR 210 - Representative John Tilley (10/26/09)**

AN ACT relating to encouraging health lifestyles.

Create new sections in KRS Chapter 141 to establish a wellness project credit; create a new section in KRS Chapter 131 to require the department to report data annually to the Legislative Research Commission; amend KRS 141.0205 to place the new credit within the credit-ordering statute; create a new section in KRS Chapter 194A to require the Cabinet for Health and Family Services to develop an employer wellness project model and require a certification process for all employer-provided programs.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee on Appropriations and Revenue

**BR 212 - Representative Lonnie Napier (12/15/09)**

AN ACT relating to public assistance.

Amend KRS 205.200 to create a substance abuse screening program for adult recipients of public assistance, food stamps, and state medical assistance.

(Prefiled by the sponsor(s).)

**BR 213 - Representative Lar-**

ry Clark (09/02/09)

AN ACT relating to continuity of health care.

Amend KRS 304.17A-500 to define "acute-care hospital" for health insurance purposes; amend KRS 304.17A-527 to require that an agreement between a managed care plan and an acute-care hospital shall include provisions for a term of not less than 3 years, a 6-month notice to the plan and the executive director of the department of insurance by the acute-care hospital prior to termination or nonrenewal, procedures to ensure continuity of care for covered persons not less than 30 days prior to termination, no less than 20 days notice prior to termination by the managed care plan to the covered person of the procedures to follow for continuity of care including an expedited internal appeal process and an expedited external appeal if necessary, and a provision requiring mediation or binding arbitration between the managed care plan and the acute-care hospital for any dispute regarding a covered person's access to continuity of care in the event of termination or nonrenewal of the provider agreement; amend KRS 304.17B-001 to confirm.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

**BR 216 - Representative Tom Burch, Representative Bob M. DeWeese (10/21/09)**

AN ACT relating to the Colon Cancer Screening Program, and making an appropriation therefor.

Amend KRS 214.542 to permit the Department for Public Health to adopt a schedule of income-based fees to be charged for colon cancer screenings; require that the fee schedule be such that the screenings are available to the largest number of people; create a new section of KRS 214.540 to 214.544 to create the Kentucky Colon Cancer Screening Program fund and establish the parameters of the fund; require moneys in the fund to be used by the department to administer KRS 214.540 to 214.544; provide that moneys remaining in the fund at the end of the fiscal year will carry forward into the succeeding fiscal year interest earned on moneys in the fund will accrue to the account; provide that moneys are appropriated for purposes set forth in KRS 214.540 to 214.544;

appropriate \$1,000,000 in fiscal year 2010-2011 and \$2,000,000 in fiscal year 2011-2012 to the department for deposit in the Kentucky Colon Cancer Screening Program fund.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

**BR 218 - Representative Fitz Steele (11/05/09)**

A RESOLUTION declaring Harlan County as the home of 2008 Kentucky State Festival Pageant Grand Supreme, Rylie Jo Makenzie Maggard.

Declare Harlan County the home of 2008 Kentucky State Festival Pageant Grand Supreme, Rylie Jo Makenzie Maggard.

(Prefiled by the sponsor(s).)

**BR 224 - Representative Jim DeCesare, Representative Kevin D. Bratcher, Representative Scott W. Brinkman, Representative Dwight D. Butler, Representative John "Bam" Carney, Representative James R. Comer Jr., Representative Tim Couch, Representative Ron Crimm, Representative C. B. Embry Jr., Representative Bill Farmer, Representative Joseph M. Fischer, Representative David Floyd, Representative Danny Ford, Representative Mike Harmon, Representative Jeff Hoover, Representative Brent Housman, Representative Adam Koenig, Representative Brad Montell, Representative Tim Moore, Representative Lonnie Napier, Representative David Osborne, Representative Marie Rader, Representative Steven Rudy, Representative Sal Santoro, Representative Charles Siler, Representative Jim Stewart III, Representative Tommy Turner, Representative Alecia Webb-Edgington, Representative Addia**

**Wuchner (12/15/09)**

AN ACT relating to public records.

Create a new section of KRS Chapter 7 to require the Legislative Research Commission to create a Web site to provide certain information on the expenditure of state funds; create a new section of KRS Chapter 26A to require the Chief Justice to create a Web site to provide certain information on the expenditure of state funds; create a new section of KRS Chapter 42 to require the Finance and Administration Cabinet to create a Web site to provide certain information on the expenditure of state funds; create a new section of KRS Chapter 42 to require all executive branch agencies to make financial data available to the Finance and Administration Cabinet, and to require the cabinet to give the Legislative Research Commission and the Court of Justice control over their expenditure data by January 1, 2011; amend KRS 164A.565 to require the governing boards of each postsecondary educational institution to make financial data available to the Finance and Administration Cabinet; and provide that the Act shall be known as the "Taxpayer Transparency Act of 2010".

(Prefiled by the sponsor(s).)

**BR 226 - Representative Martha Jane King (12/16/09)**

AN ACT relating to crimes and punishments.

Create a new section of KRS Chapter 531 to prohibit a person under 18 years of age from transmitting a nude image of himself or herself or another person under 18 years of age to another person by computer or electronic means as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provide for juvenile court jurisdiction; prohibit requiring registration as sex offender; create new section of KRS Chapter 531 to prohibit possession of a nude image of a person under 18 years of age as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provide for juvenile court jurisdiction for person under 18 at time of commission of offense and District Court jurisdiction for persons over 18; prohibit requiring registration as sex offender.

(Prefiled by the sponsor(s).)

**BR 228 - Representative Linda Belcher (10/29/09)**

AN ACT relating to the reporting of stolen items with vehicle identification numbers.

Create a new section of KRS Chapter 186 to require a law enforcement agency to enter a stolen item with a vehicle identification number into the NCIC database.

(Prefiled by the sponsor(s).)

**BR 229 - Representative Linda Belcher (09/22/09)**

AN ACT relating to the care of individuals with mental retardation or other developmental disorders.

Repeal and reenact KRS 202B.070, relating to the duty of individuals with direct care responsibility for residents of ICF/MR to meet specific needs, including supervision; name the statute "Deron's Law"; amend KRS 202B.070 to delete the word "intentionally" in reference to the failure to provide supervision of a resident by an individual who has direct care responsibility.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

**BR 230 - Representative Linda Belcher (09/22/09)**

AN ACT relating to child custody.

Amend KRS 620.090 to provide that children who are in temporary custody for a period not exceeding 45 days from the date of the removal from his home may be in the custody of the Cabinet for Health and Family Services or with another appropriate person or agency.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

**BR 231 - Representative Linda Belcher (09/22/09)**

AN ACT relating to digital citizenship.

Amend KRS 156.660 to define "digital citizenship" as a set of characteristics that conceptualize the rewards as well as risks facing all technology users; set forth the characteris-



tics; amend KRS 156.675 to require the Kentucky Board of Education to promulgate an administrative regulation to require that each local school board shall implement an acceptable use policy that requires all school district employees who use technology to comply with the policy which shall include the characteristics of digital citizenship; amend KRS 156.095 to include technology and the characteristics of digital citizenship in the professional development activities which shall be provided for teachers; and amend KRS 158.148 to require local school districts to include in their student behavior codes behavior as it relates to being a good digital citizen.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### **BR 232 - Representative Linda Belcher (09/22/09)**

AN ACT relating to suicide prevention training.

Amend KRS 156.095 to require the Cabinet for Health and Family Services to post suicide prevention awareness and training information on its Web page by August 1, 2010; require every public middle and high school administrator to disseminate suicide prevention awareness information to all middle and high school students by September 1, 2010, and September 1 of each year thereafter.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### **BR 237 - Representative Jody Richards (10/12/09)**

AN ACT relating to criminal gangs.

Create a new section of KRS Chapter 17 to permit named agencies to operate a criminal gang database and share the information with named agencies; define which information may be included in a criminal gang database; specify which local, state, and federal agencies may access information in a criminal gang database on a need to know basis; create a new section of KRS Chapter 431 to permit crime victims to sue persons convicted of criminal gang activity for treble damages; permit a person who is the victim of criminal gang activity to bring court action to enjoin criminal

gang activity; create a new section of KRS Chapter 506 to define what constitutes a criminal gang and other terms related to criminal gangs; create the crimes of criminal gang recruitment in the first degree and criminal gang recruitment in the second degree; provide for seizure of money or property used in or the proceeds of criminal gang related activity; amend KRS 506.150 relating to establishing the existence of a criminal gang to reduce from 5 to 3 the number of persons involved in the activity; repeal KRS 506.140 relating to definitions for the chapter.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 239 - Representative Myron Dossett (10/16/09)**

AN ACT relating to sales tax.

Create a new section of KRS Chapter 139 to establish a refund program for new small businesses; EFFECTIVE October 1, 2010.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

### **BR 240 - Representative Myron Dossett (10/16/09)**

AN ACT relating to the individual income tax.

Create a new section in KRS Chapter 141 to exclude from individual income tax for eight consecutive calendar quarters the amount of wages paid by a qualifying small business that has no more than five employees and registers with the department; amend KRS 141.010 and 141.310 to conform.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

### **BR 244 - Representative Kent Stevens (12/18/09)**

AN ACT relating to loan forgiveness, making an appropriation therefor, and declaring an emergency.

Amend KRS 164.769 to delete priority for loan forgiveness from the teacher scholarship program for teachers who have outstanding loan balances for "Best in Class for Teachers" loans issued prior to June 30, 2008; amend KRS 164.7531 to require that,

beginning with fiscal year 2010-2011, the Kentucky Higher Education Assistance Authority provide, to the extent funds are available, up to \$3,000 per year for up to ten years, not to exceed \$30,000 cumulative benefit, for loan forgiveness to persons who had "Best in Class for Teachers," "Best in Care for Nurses," and "Best in Law for Public Service Attorneys" loans issued prior to June 30, 2008; require loan recipients to continue to make all required payments; permit the authority to use other sources of income to provide loan forgiveness; APPROPRIATION; EMERGENCY.

(Prefiled by the sponsor(s).)

### **BR 250 - Representative Tom Burch (10/15/09)**

AN ACT relating to acupuncture.

Amend various sections of KRS 311.671 to 311.686 to change acupuncture from a certified to a licensed profession; amend KRS 311.676 to increase penalty for practicing acupuncture without a license to a Class D felony; amend KRS 311.680 to clarify the definition of potentially serious disorders or conditions.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Licensing and Occupations

### **BR 251 - Representative Greg Stumbo, Representative Rocky Adkins, Representative Hubert Collins, Representative Will Coursey, Representative Mike Denham, Representative Tim Firkins, Representative Kelly Flood, Representative Keith Hall, Representative Sannie Overly, Representative Ruth Ann Palumbo, Representative Tom Riner (09/24/09)**

AN ACT relating to the use of global positioning monitoring systems including monitoring-related restrictions and sanctions in domestic violence cases.

Amend KRS 403.720 relating to domestic violence definitions to define "global positioning monitoring system"; amend KRS 403.740 relating to emergency protective orders to permit a court to restrain a respondent

from going to or near specified locations; amend KRS 403.750 relating to domestic violence orders to permit court a to restrain a respondent from going to or near specified locations; create a new section of KRS Chapter 403 to permit the petitioner in a domestic violence order case to inform the court of places the petitioner does not want the respondent to go into or near; create a new section of KRS Chapter 403 to require the court to assess the respondent's dangerousness; create a new section of KRS Chapter 403 to a permit court, as part of a domestic violence order, to order a respondent to wear or carry global monitoring system device and permit a petitioner to carry a device notifying the petitioner that the respondent is nearby; require the court to notify the petitioner of the operation and limitations of global positioning monitoring system devices, and provide a penalty for removing or tampering with the device; create a new section of KRS Chapter 403 to require the Department of Corrections to contract with entities providing global positioning system monitoring services to provide services meeting the requirements of the statutes; name act the Amanda Ross Domestic Violence Prevention Act.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 258 - Senator Damon Thayer (11/17/09)**

AN ACT relating to campaign finance.

Create a new section of KRS Chapter 121 to define "political organization 527 committee"; require such a committee to register with and report to the Kentucky Registry of Election Finance if it spends more than \$5,000 to influence the selection of a candidate or slate of candidates for public office in Kentucky, other than in a federal election, or if it spends more than \$5,000 on a ballot question to amend the Constitution of Kentucky; state that this legislation shall be cited as the 527 Campaign Fund Disclosure and Transparency Act of 2010.

(Prefiled by the sponsor(s).)

### **BR 259 - Senator Damon Thayer (11/05/09)**

AN ACT proposing to create a new section of the Constitution of

Kentucky and amending a section of the Constitution of Kentucky relating to the Kentucky state lottery.

Propose to create a new section of the Constitution of Kentucky to permit the General Assembly to authorize by general law video lottery terminals in counties that have existing horse racing tracks upon voter approval in each of those counties; provide that the operation of video lottery terminals shall be part of the Kentucky State Lottery; create the equine excellence fund and the building Kentucky's future fund and provide that money generated by the revenue from and licensing of video lottery terminals go to those funds; propose to amend Section 226 of the Constitution of Kentucky to conform; submit to voters; provide ballot language.

(Prefiled by the sponsor(s).)

#### **BR 261 - Representative Brent Yonts (12/15/09)**

AN ACT relating to the American Medical Association's "Guides to the Evaluation of Permanent Impairment."

Amend KRS 342.0011, 342.315, 342.316, 342.730, and 342.7305 to require use of the fifth edition of AMA guides in disability determinations; amend KRS 67A.460 to conform; repeal 2009 Ky. Acts ch. 89.

(Prefiled by the sponsor(s).)

#### **BR 262 - Representative Mike Denham (10/22/09)**

AN ACT relating to domestic violence.

Amend KRS 403.725 to prohibit joint mediation, conciliation, or counseling requirements within an emergency protective order or a domestic violence order; amend KRS 403.740 to allow an emergency protective order to remain in effect until the domestic violence hearing, with only the summons needing to be reissued in the event of a lack of service upon the adverse party; amend KRS 403.750 to require counseling in all cases for persons against whom a domestic violence order is entered; amend KRS 403.7505 to recognize batterer intervention services within the scope of certifies counseling services; amend KRS 403.763 to increase the penalty for a third or subsequent violation of an emergency protective order or a

domestic violence order to a Class D felony; create a new section of KRS Chapter 511 to create the crime of domestic violence shelter trespass.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

#### **BR 263 - Senator John Schickel (10/27/09)**

AN ACT relating to pharmacy technicians.

Amend KRS 315.136 to waive the application fee for pharmacy technicians who serve on a voluntary basis with a pharmacy operated by a charitable organization as defined in KRS 142.301(2).

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Health and Welfare

#### **BR 265 - Representative Bill Farmer, Representative Jim DeCesare, Representative Alecia Webb-Edgington, Representative Addia Wuchner (10/12/09)**

AN ACT relating to the alcoholic beverage wholesale sales tax and declaring an emergency.

Amend KRS 243.882 to make technical corrections to defined terms; amend KRS 243.884 to reduce the tax rate on gross receipts from wholesale sales of malt beverages, wine, and distilled spirits to 5.5% for sales made on or after July 1, 2010, and to provide that the tax shall not apply to sales made on or after July 1, 2011; EMERGENCY.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

(Prefiled by the sponsor(s).)

#### **BR 266 - Representative Melvin B. Henley (11/03/09)**

A JOINT RESOLUTION designating the "Stevie McReynolds Way" in Calloway County.

Direct the Transportation Cabinet to designate a section of KY 94 in Calloway County in honor of Stevie McReynolds.

(Prefiled by the sponsor(s).)

#### **BR 268 - Representative Mike Denham, Representative Joseph M. Fischer, Representative Thomas Kerr (10/26/09)**

A RESOLUTION designating June 2010 as Kentucky Rabies Awareness Month.

Designate June 2010 as Kentucky Rabies Awareness Month.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

#### **BR 270 - Representative Rick G. Nelson (12/18/09)**

AN ACT relating to establishing programs for gaining access into Kentucky's state-owned and state-managed recreational lands and making an appropriation therefor.

Amend KRS 148.795 by expanding the powers and duties of the Kentucky Recreational Trails Authority (KRTA) to plan, coordinate, and implement the "Gaining Access Into Nature" or GAIN program; establish the KRTA as a separate administrative agency of state government; require the KRTA to prepare a statewide recreational trail plan; require the Tourism, Arts and Heritage Cabinet to provide administrative, legal, and other types of staff support to the KRTA; establish the Kentucky Recreational Trails Authority fund as a restricted fund and a separate account in the fund as the GAIN account; direct land agreement fees and GAIN program fees into the fund; authorize KRTA to coordinate a statewide system for recreational trails on public lands and authorize KRTA and state agencies owning or managing recreational land to charge fees for access; require preparation of agency plans for implementing the GAIN program on state-owned or state-managed recreational lands; amend KRS 56.00 to prohibit state agencies which own recreational land to restrict public access to the land without advance notice to the local area residents.

(Prefiled by the sponsor(s).)

#### **BR 272 - Senator John Schickel (12/18/09)**

AN ACT relating to contracts.

Create a new section of KRS Chapter 367 to require that consumer contracts with an automatic renewal

clause have the clause conspicuously displayed in the contract and to require that notice of an upcoming renewal period be sent to the consumer, with provisions for enforcement by the Attorney General.

(Prefiled by the sponsor(s).)

#### **BR 274 - Representative Jeff Greer, Representative Scott W. Brinkman (12/18/09)**

AN ACT relating to behavioral disorders.

Create new sections of KRS Chapter 319 to define terms relating to the practice of applied behavior analysis and licensure by the Kentucky Board of Examiners of Psychology; authorize the Board of Examiners of Psychology to promulgate administrative regulations relating to licensure of behavior analysts and assistant behavior analysts and to appoint two (2) behavior analysts to advise the board on matters relating to regulation and licensure of behavior analysts; require licensure to practice applied behavior analysis in the state, to establish licensure requirements, and to prohibit the practice of applied behavior analysis in the state without a license; require the Board of Examiners of Psychology to promulgate administrative regulations governing licensure of practitioners of applied behavior analysis and to annually publish a current directory of licensed practitioners of applied behavior analysis; require the board to issue a license to persons holding a valid license in another state or a person who was educated in another country, under specified conditions; require any practitioner or employer of practitioners of applied behavior analysis to report specified inappropriate behavior to the board; require the board, after due notice and an administrative hearing conducted in accordance with KRS Chapter 13B, to refuse to issue or to take specified actions against an existing license or license holder, and establish the actions that may be the subject of disciplinary action by the board; authorize the board to reinstate a license that has lapsed or been revoked and to authorize persons aggrieved by a final order of the board to appeal to the Franklin Circuit Court; provide that all fees received by the board for licensure of practitioners of applied behavior analysis, or penalties assessed by the board for violating provisions of Sections 1 to 10 of the Act shall be deposited to a trust and



agency fund to be used by the Board without reversion to the general fund, and authorize the board to employ personnel and purchase necessary materials and supplies; to establish the appropriate use of telehealth for practitioners of applied behavior analysis and authorize the board to promulgate necessary administrative regulations; establish penalties for any person practicing applied behavior analysis without a license; create a new section of Subtitle 17A of KRS Chapter 304 to define terms relating to applied behavior analysis and autism spectrum disorders; create a new section of Subtitle 17A of KRS Chapter 304 to require that a large group health benefit plan provide coverage for the diagnosis and treatment of autism spectrum disorders for individuals between the ages of one and 21, including coverage in the annual amount of \$50,000 for individuals who are ages one through six, and coverage in the annual amount of \$12,000 for individuals who are ages seven through 21 and specify treatments covered; amend KRS 304.17A-143 to require that individual and small group market health benefit plans provide coverage for autism spectrum disorders in the amount of \$1000 per month for pharmacy care, psychiatric care, psychological care, therapeutic care, applied behavior analysis and rehabilitative care for the treatment of autism spectrum disorders, and delete the provisions which established the requirements for coverage of autism; amend KRS 18A.225 to require that the state employee health benefit plan provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with the requirement for coverage under large group health benefit plans; specify that provisions requiring health insurance coverage for autism spectrum disorders take effect January 1, 2011.

(Prefiled by the sponsor(s).)

### **BR 275 - Representative Dennis Keene (10/09/09)**

AN ACT relating to driving under the influence.

Amend KRS 189A.005 to expand the definition of “ignition interlock device”; amend KRS 189A.010 to include driving the wrong way on a four-lane highway among the list of factors for triggering aggravated DUI penalties; amend KRS 189A.070 to provide that a reduction in the time period of a license revocation does not lessen the time required for ig-

nition interlock usage; amend KRS 189A.085 to run the period of a license plate impoundment from the date of sentencing to the day the offender is authorized to resume driving; amend KRS 189A.340 to require ignition interlock usage beginning with the first DUI offense and to remove an offender’s ability to drive a non-interlock-equipped work vehicle; amend KRS 189A.410 to require ignition interlock usage while an offender is driving on a hardship license.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 276 - Representative Dennis Keene (10/09/09)**

AN ACT relating to live organ donation.

Create a new section of KRS Chapter 141 to provide a tax credit for individuals who donate live organs in the amount of the lesser of actual expenses or \$10,000; define “live organ donation expenses”; amend KRS 141.0205 to conform; create a new section of KRS Chapter 18A to provide that state employees who donate a live organ are entitled to 30 days paid leave; provide that Sections 1 and 3 of the Act shall be known as “Beth’s Bill.”

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Appropriations and Revenue

### **BR 277 - Representative Dennis Keene (10/09/09)**

AN ACT relating to public safety.

Create a new section of KRS Chapter 17 to provide a registration system for persons convicted of murder, define “registrant,” and “murder,” establish period of registration, and establish penalties for failure to register.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 279 - Representative Bill Farmer (12/09/09)**

AN ACT relating to protection of private information.

Create a new section of KRS 65.003 to 65.158 to require that any local governmental entity shall safe-

guard the records of any individual or other taxpayer in a manner consistent with federal law relating to the protection and destruction of documents.

(Prefiled by the sponsor(s).)

### **BR 280 - Representative Stan Lee (12/17/09)**

AN ACT relating to the Special Needs Alternative Education and Welfare Program.

Add new sections to KRS Chapter 157 to create the Students with Special Needs Scholarship Program; define terminology regarding participation; describe the process for the Kentucky Department of Education to receive student applications and to allocate scholarship funding; require a resident school district to provide annual notice of the program to parents, transfer school records, provide transportation, and permit a student to participate in the state assessment if requested; describe the requirements of a participating school application; describe parent, student, and local district responsibilities; clarify the requirements for a proportionate share of federal funds for parentally placed students with disabilities; amend KRS 157.196, KRS 159.030, and KRS 605.115 to conform with the definition of “individualized education program” in the federal Individuals with Disabilities Education Act; direct the Office of Education Accountability to monitor and report on implementation of the program; name the act the “Special Needs Alternative Education and Welfare Act of 2010”.

(Prefiled by the sponsor(s).)

### **BR 281 - Representative Larry Clark (10/30/09)**

AN ACT relating to the limited sale of alcoholic beverages by the drink at designated state parks.

Create new sections of KRS Chapter 242 and 243 to permit the limited sale of distilled spirits, wine, and malt beverages at state resort parks, and qualified state recreational parks; allow a local option election for state resort parks and qualified state recreational parks in dry territory; establish the conditions under which the election will be held; set forth what a state resort park license or qualified state recreational park license entitles the holder to do; amend KRS 243.030 to establish the licensing fee; amend

KRS 243.050 to permit the office to establish the hours and days when a supplemental licensee shall be open; amend KRS 243.115 to permit patrons in a dining room in a state resort park to remove one container of partially consumed wine; amend KRS 243.117 to conform.

(Prefiled by the sponsor(s).)

### **BR 282 - Senator David E. Boswell (12/17/09)**

AN ACT relating to geologists.

Amend KRS 322A.060 to extend renewal and time period for revocation of certificate of registration from annual to biennial; authorize the board to require continuing education as a condition of registration renewal or reinstatement; amend KRS 322A.080 to remove exemption from registration for individuals performing geological work at both the state and local levels; amend KRS 322A.100 to permit the board to impose a \$1,000 fine for violation of chapter by a registered geologist.

(Prefiled by the sponsor(s).)

### **BR 283 - Senator Denise Harper Angel (11/12/09)**

AN ACT relating to personal communication devices.

Create a new section of KRS Chapter 189 to prohibit text messaging, instant messaging, and e-mailing while operating a motor vehicle; define “personal communication device”; provide for specific exclusions; amend KRS 189.990 to set penalties; provide for a probationary period ending November 1, 2010, during which courtesy warnings will be issued; set fine for violation at \$100 for the first offense and not less than \$100 nor more than \$300 for each subsequent offense after the probationary period; set fine at not less than \$200 nor more than \$600 if the violation caused a motor vehicle accident.

(Prefiled by the sponsor(s).)

### **BR 287 - Senator John Schickel (12/11/09)**

AN ACT relating to inmate civil actions.

Amend KRS 454.400, 454.405, and 454.415 to require that

certain civil actions filed by an inmate against the Department of Corrections, a Department of Corrections contract facility, or a local correctional facility be dismissed if the inmate fails to exhaust that facility's administrative remedies; provide notice of the dismissal to the facility and to all party defendants named in the civil action; permit a court, upon dismissal of the action, to assess reasonable costs against the inmate.

(Prefiled by the sponsor(s).)

### **BR 290 - Senator Damon Thayer (12/15/09)**

AN ACT relating to public records.

Create a new section of KRS Chapter 7 to require the Legislative Research Commission to create a Web site to provide certain information on the expenditure of state funds; create a new section of KRS Chapter 26A to require the Chief Justice to create a Web site to provide certain information on the expenditure of state funds; create a new section of KRS Chapter 42 to require the Finance and Administration Cabinet to create a Web site to provide certain information on the expenditure of state funds; create a new section of KRS Chapter 42 to require all executive branch agencies to make financial data available to the Finance and Administration Cabinet, and to require the cabinet to give the Legislative Research Commission and the Court of Justice control over their expenditure data by January 1, 2011; amend KRS 164A.565 to require the governing boards of each postsecondary educational institution to make financial data available to the Finance and Administration Cabinet; and provide that the Act shall be known as the "Taxpayer Transparency Act of 2010".

(Prefiled by the sponsor(s).)

### **BR 294 - Senator Elizabeth Tori (12/18/09)**

AN ACT relating to administrative regulations and declaring an emergency.

Amend KRS 13A.338 to declare any administrative regulation found deficient since March 27, 2009, to be null, void, and unenforceable; prohibit the administrative agencies from promulgating administrative regulations identical to or substantially

the same as that administrative regulation for a specified period of time; EMERGENCY.

(Prefiled by the sponsor(s).)

### **BR 295 - Representative Mary Lou Marzian (11/03/09)**

AN ACT relating to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Create new sections of KRS Chapter 387 to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, as recommended to the states by the National Conference of Commissioners on Uniform State laws, to govern jurisdictional questions and disputes between states in regard to cases concerning guardians and conservators; amend KRS 387.520 to conform.

(Prefiled by the sponsor(s).)

### **BR 297 - Representative Linda Belcher (10/29/09)**

AN ACT relating to tuition for foster children.

Amend KRS 164.2847 to permit tuition and fee waivers for foster children taking dual credit or dual enrollment courses in high school.

(Prefiled by the sponsor(s).)

### **BR 298 - Representative Wilson Stone (10/27/09)**

AN ACT relating to the Kentucky Licensed Practical Nurses Organization.

Amend KRS 314.121 to change the licensed practical nurse organization with the authority to nominate Board of Nursing members to the current LPN organization in Kentucky.

(Prefiled by the sponsor(s).)

### **BR 299 - Representative Carl Rollins II (12/18/09)**

AN ACT relating to the establishment of common undergraduate college course credits for transfer and the awarding of degrees.

Create a new section of KRS Chapter 164 to limit bachelor degree programs to 120 credit hours and associate degree programs to 60 credit hours beginning with the 2012-2013

academic year; permit the Council on Postsecondary education to approve exceptions for specialized programs; direct the council to develop a statewide agreement for lower division learning outcomes course numbering and coursework credits; to standardize credit-by-exam equivalencies; develop statewide articulation and transfer procedures; monitor and collect compliance data; provide priority admission of associate degree program graduates to state public universities; create common public college transcript; encourage private college collaboration in transfer agreements; establish appeals process; amend KRS 164.020 to conform; amend KRS 164.001 to include definition of "learning outcomes."

(Prefiled by the sponsor(s).)

### **BR 300 - Representative Tom Burch (10/15/09)**

AN ACT relating to administrative regulations and declaring an emergency.

Amend KRS 13A.338 to declare any administrative regulation found deficient since March 27, 2009, to be null, void, and unenforceable; prohibit the administrative agencies from promulgating administrative regulations identical to or substantially the same as that administrative regulation for a specified period of time; EMERGENCY.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

### **BR 302 - Representative Sannie Overly (12/11/09)**

AN ACT relating to professional engineers and land surveyors.

Amend various sections of KRS Chapter 322 to make technical corrections to the employee and subordinate exemption and manufacturer's exemption; add language to ensure that the exemption does not extend to site-specific engineering work; require English competency for all applicants; redefine the felony conviction resulting in ineligibility for licensure as any felony involving sexual misconduct, violence, fraud, or deceit; clarify that if a business entity has a physical location within the Commonwealth, the permitted entity's engineer in responsible charge must be located at that main office, rather than at each branch office as long as he or she maintains

direct supervisory control; remove the requirement for references for business entities; change the responsible-charge requirement for an owner or officer of a business entity and exclude sole proprietors from the business entity provisions; remove the requirement for inclusion of proof of English proficiency with applications; require references and employment verifications to remain confidential; change the term licensure by reciprocity to "licensure by endorsement"; remove language requiring mailing as the only method for providing notice; clarify that the licensee is responsible for renewal; remove moral turpitude language and leave any felony as grounds for disciplinary action; delete outdated language on a surety bond for the secretary-treasurer; permit roster information in electronic form; require direct supervision of construction only if the professional is contracted to provide that service; remove language for bond execution; update language regarding buildings requiring the services of an engineer or architect to make it consistent with KRS 323.033; repeal KRS 322.015, 322.200, and 322.310.

(Prefiled by the sponsor(s).)

### **BR 308 - Senator John Schickel (11/04/09)**

AN ACT relating to public records.

Create a new section of KRS 65.750 to 65.760 to restrict the availability of recordings of 911 communications to releases by court order; permit release of written transcripts of 911 communications; permit the person who made communication and person who is the subject of communication to permit release of the communication without a court order; permit acquisition of recorded copy in criminal, civil, or administrative proceedings; provide that any person may listen to, but shall not make any recordings of, 911 communications; allow written notes of the contents of the communication; prohibit making any audio recording of actual communication when authorized to make notes about the communication; establish penalty.

(Prefiled by the sponsor(s).)

### **BR 309 - Representative Jody Richards (12/04/09)**

AN ACT designating the Corvette as the official state sports car of



Kentucky.  
Designate the Corvette as the official state sports car of Kentucky.

(Prefiled by the sponsor(s).)

**BR 313 - Senator Perry B. Clark (12/07/09)**

AN ACT relating to certified police officers.  
Amend KRS 15.520 to define “police officer,” as used in the Police Officer’s Bill of Rights, to include all paid, full-time officers required to be certified pursuant to KRS 15.380; make technical corrections.

(Prefiled by the sponsor(s).)

**BR 314 - Representative Brent Yonts (12/15/09)**

AN ACT relating to petroleum storage tanks.  
Extend deadline to register petroleum storage tanks and submit affidavits and applications relevant to current petroleum storage tank accounts pursuant to KRS 224.60-142 to July 15, 2015; amend KRS 224.60-130 to extend the performance date for reimbursement to July 15, 2018; extend small operator assistance account and small operator tank removal account established under KRS 224.60-130 to July 15, 2015.

(Prefiled by the sponsor(s).)

**BR 315 - Senator Denise Harper Angel (11/12/09)**

AN ACT relating to the limited sale of alcoholic beverages by the drink at designated state parks.  
Create new sections of KRS Chapter 242 and 243 to permit the limited sale of distilled spirits, wine, and malt beverages at state resort parks, and qualified state recreational parks; allow a local option election for state resort parks and qualified state recreational parks in dry territory; establish the conditions under which the election will be held; set forth what a state resort park license or qualified state recreational park license entitles the holder to do; amend KRS 243.030 to establish the licensing fee; amend KRS 243.050 to permit the office to establish the hours and days when a supplemental licensee shall be open; amend KRS 243.115 to permit patrons in a dining room in a state resort park to remove one container of partially

consumed wine; amend KRS 243.117 to conform.  
  
(Prefiled by the sponsor(s).)  
  
**BR 317 - Senator David E. Boswell (12/15/09)**  
  
AN ACT relating to prisoners.  
Create a new section of KRS Chapters 197 and 441 to provide for pre-release mental health evaluation of prisoners on psychotropic medication, and to provide 3 day supply of psychotropic medication, upon release, if deemed medically appropriate.  
  
(Prefiled by the sponsor(s).)

**BR 318 - Representative Reginald Meeks (11/10/09)**

AN ACT relating to the definition of “American Indian.”  
Amend KRS 446.010 to define “American Indian” to mean a person having origins in any of the original peoples of North and South America and who maintains tribal affiliation or community attachment to the tribe of origin; make conforming amendments.  
  
(Prefiled by the sponsor(s).)

**BR 319 - Representative Reginald Meeks (11/10/09)**

AN ACT relating to recognition of American Indian tribes.  
Create a new section of KRS Chapter 171 to allow a group desiring to be formally recognized as an American Indian tribe to submit a petition to the Kentucky Native American Heritage Commission; provide criteria that must be met to be recognized as an American Indian tribe; authorize the Kentucky Native American Heritage Commission to approve petitions submitted for recognition, provide approved petitions to the Governor and, if the Governor accepts the recommendation, provide for issuance of an executive order recognizing the approved group; require the Kentucky Native American Heritage Commission to promulgate administrative regulations identifying the procedures to be followed in submitting a petition and appealing a decision of the commission.  
  
(Prefiled by the sponsor(s).)

**BR 320 - Representative Reginald Meeks (11/10/09)**  
  
AN ACT relating to human remains and burial objects.  
Create new sections of KRS Chapter 171 to require persons excavating archaeological sites on private property to obtain a permit from the Kentucky Heritage Council; establish a process by which the landowner shall provide reasonable access to the cemeteries to the descendants and relatives of those buried within; place responsibility on the landowner to maintain the cemetery’s integrity; make denial of access to the cemetery a violation; set out a process by which the state shall dispose of human remains within its custody and control; permit a legally recognized tribal government to conduct reinterment ceremonies for Native Americans; require a person who encounters or accidentally disturbs human remains to immediately cease disturbing the ground in the area of the human remains; place responsibility of encountered or accidentally discovered human remains on the cemetery owner or the state and require responsible party to dispose of; require persons wishing to possess human remains or burial objects to obtain a permit from the Vital Statistics Branch of the Department for Public Health and limit possession to teaching, medical, scientific, or training purposes; make unlawful possession of human remains or burial objects a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense; require a person who unlawfully possesses human remains or burial objects to reimburse the state for the cost of properly disposing of the remains and objects; prohibit the excavation of human remains and burial objects; amend KRS 525.105 to delete the requirement that desecration of a venerated object is shown only when one’s purpose is commercial gain or exploitation; require that the tools, implements, or vehicles used in desecrating human objects be seized and sold with profits from such sale going to the council; require a violator to reimburse the Commonwealth for its costs in properly disposing of the human remains and the landowner for damage to the property; amend KRS 525.120 to increase penalty for abuse of a corpse from a Class A misdemeanor to a Class D felony; require human remains possessed or so used to be seized and forfeited to the state; require the violator to reimburse the Commonwealth for the cost of prop-

erly disposing of the human remains.  
  
(Prefiled by the sponsor(s).)  
  
**BR 321 - Representative Reginald Meeks (11/10/09)**  
  
AN ACT relating to historic preservation.  
Create new sections of KRS Chapter 381 relating to the disposition of historic or prehistoric human remains; declare public policy of the Commonwealth regarding historic or prehistoric human remains; define terms relating to the disposition of historic or prehistoric human remains; establish property confirmation process by which property owners or developers verify whether property contains known human remains; authorize the Kentucky Heritage Council to promulgate administrative regulations related to the disposition of historic and prehistoric human remains; prohibit the issuance of building permits under KRS Chapter 198B until the property owner or developer has completed the preconditions relating to human remains; formulate the procedures and requirements for a human remains outcome review; prescribe the procedures and requirements for an adverse effects determination; list prohibited actions subject to the penalties prescribed in KRS 381.990 regarding the disposition of human remains; establish the procedures and requirements for a human remains disposition agreement between the Kentucky Heritage Council and a property owner or developer; authorize the Kentucky Heritage Council to establish a plan for the disposition of human remains if a human remains disposition agreement cannot be reached; create an emergency inspection process for unforeseen human remains or unforeseen adverse effects on human remains; allow property owners or developers to appeal in specified ways when aggrieved by decisions of the Kentucky Heritage Council; exempt from human remains disposition process actions taken under KRS 381.755 or KRS Chapter 72, surface coal mining conducted in accordance with a permit issued under KRS Chapter 350, archaeological investigations and data recovery projects conducted under relevant portions of the federal National Historic Preservation Act of 1966, and archaeological surveys; amend KRS 381.990 to create the offense of intentional desecration of human remains; levy fines of not less than \$1,000 and

not more than \$2,000 for each act of intentional desecration of human remains; declare that intentional desecration of human remains is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense; amend KRS 164.715 to state that no person shall willfully injure, destroy, or deface any human remains found on any property when protected under this Act; make technical corrections to conform; amend KRS 171.313 to require the Kentucky Historical Society to cooperate in the processes established under this Act; make technical corrections to conform; amend KRS 171.381 to require the Kentucky Heritage Council to develop and control the system for the disposition of human remains under this Act; make technical corrections; require the state historic preservation officer to coordinate and administer the system for the disposition of historic and prehistoric human remains established under this Act; make technical corrections to conform.

(Prefiled by the sponsor(s).)

### BR 322 - Representative Reginald Meeks (11/10/09)

AN ACT relating to recycling.

Amend KRS 224.10-650 to require agencies of the executive, legislative, and judicial branches of state government and all state-supported institutions of higher education to report estimated waste recycled during the prior fiscal year; delete requirement to report recycled aluminum; allow state agencies in Franklin County that participate in the State Office Paper Recycling Program to utilize an alternative to reporting quantities in pounds.

(Prefiled by the sponsor(s).)

### BR 323 - Representative Reginald Meeks (10/29/09)

AN ACT relating to charitable gaming.

Amend KRS 238.540 to require that charitable gaming be conducted only by officers, members, and employees of the licensed charitable organization; require mandatory training for chief executive officers, chief financial officers, and chairpersons of charitable organizations before being issued a license and at other times prescribed by administrative regulation

and other times prescribed by administrative regulation.

(Prefiled by the sponsor(s).)

### BR 324 - Representative Reginald Meeks (11/10/09)

A CONCURRENT RESOLUTION directing the Legislative Research Commission to study whether counties should be offered the option of conducting elections in centralized voting centers, rather than in voting precincts, and whether counties should offer voters the opportunity to vote early or to vote during extended periods of time.

Direct the Legislative Research Commission to study whether counties should be offered the option of conducting elections in centralized voting centers rather than in voting precincts.

(Prefiled by the sponsor(s).)

### BR 326 - Representative Bill Farmer (12/09/09)

AN ACT relating to taxation of mortgage debt forgiveness.

Amend KRS 141.010 to exclude certain mortgage debt forgiveness from individual income tax.

(Prefiled by the sponsor(s).)

### BR 327 - Representative Bill Farmer (11/09/09)

AN ACT relating to campaign finance reports.

Amend KRS 121.180, relating to campaign finance reports, to allow a filer to designate an entry reading "No change since last report" if the filer has received or spent nothing since the date of the filer's last report; if entry is designated, require the filer to specify only the balance carried forward from the last report.

(Prefiled by the sponsor(s).)

### BR 334 - Representative Ted Edmonds (10/20/09)

AN ACT relating to county consolidation.

Create new sections of KRS Chapter 67 to establish a new procedure for the optional consolidation of counties; exclude consolidated local governments, charter county govern-

ments, urban-county governments, and unified local governments from the procedures; permit two or more counties to consolidate with such action initiated by public petition or local ordinance; require signatures of 20% or more of the number of persons voting in last presidential election for initiation petition; provide for the contents and certification of petitions as prescribed; require the county judge/executive in the initiating county within 10 days to notify the other local governments and their citizens of the proposal as prescribed; require responding action in adjoining counties within 120 days or initial action becomes void; require a special election within 90 days if adjoining counties enter the process; require approval in each county for consolidation to become effective; prescribe the language for the ballot, other election procedures, and advertisement of the election by the sheriff; require a simple majority of those voting in each county for approval; require all election costs to be paid for by the state, and prohibit any organizational changes in a newly consolidated county for 10 years; prohibit any new county from becoming effective until the end of terms of current officeholders and require new officers to be elected in the same manner and at same time as other county officials; require the county judge/executive in each county to appoint 6 citizens to a transition committee as prescribed; require transition committee to divide county into 3-8 magisterial districts and to select 2-5 names for the new county to be decided by the voters; require final report of the transition committee as prescribed; provide for a gubernatorial appointee to break tie vote on questions relating the name of the new county, the formation of magisterial districts, or other issues on ballot; require all taxes from immediate year to remain in effect until changed by the new county; require the creation of a special taxing district for repayment of prior financial obligations in previously existing counties as prescribed; require surplus funds to be spent in the areas where funds were raised as prescribed; permit voters to determine the location of new county seat from previously existing locations; require county seat to remain at that location for not less than 10 years; require other remaining county buildings to be maintained as branch offices for 10 years as prescribed; provide for federal and state election districts as prescribed; require the Governor's Office for Local Development to pro-

mulgate administrative regulations awarding preference points on community development block grant applications and provide technical and advisory assistance to consolidated counties; require, upon consolidation, all appointments to boards of special districts to remain in effect until the expiration of the term, at which point the appropriate appointing authority shall make new appointments; and repeal KRS 67.190, 67.200, 67.210, 67.220, 67.230, 67.240, 67.250, 67.260, 67.270, 67.280, 67.290, and 67.310.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Local Government

### BR 336 - Representative Reginald Meeks (11/10/09)

AN ACT relating to compulsory school age.

Amend KRS 159.010 to provide that effective July 1, 2011, compulsory school attendance shall be between the ages of six and seventeen; provide that effective July 1, 2012, compulsory school attendance shall be between the ages of six and eighteen; permit parents to withdraw a child older than the required age after a counseling session with a school counselor; amend KRS 159.020 to conform.

(Prefiled by the sponsor(s).)

### BR 338 - Representative Reginald Meeks (11/10/09)

AN ACT relating to the lottery.

Amend KRS 154A.020 to allow government programs and services to be mentioned in advertising or promoting a lottery; amend KRS 154A.050 to allow the Lottery Board, in its advertising and promoting of the lottery, to describe government programs and services that benefit from and are supported by lottery proceeds.

(Prefiled by the sponsor(s).)

### BR 339 - Senator Alice Forgy Kerr (12/11/09)

AN ACT relating to former legislators.

Create a new section of KRS Chapter 6 to prevent a former legislator from accepting any position within



the executive branch, save elective office, for two years after leaving office; amend KRS 6.757 to prevent a legislator from becoming a legislative agent for an executive branch agency for two years after leaving office.

(Prefiled by the sponsor(s).)

### **BR 341 - Representative Mike Denham (10/26/09)**

AN ACT relating to crimes and punishments.

Amend KRS 500.080 to include loss of consciousness within the definition of physical injury; amend KRS 508.020 to include intentionally or wantonly causing physical injury by means of strangulation within the offense of assault in the second degree.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 343 - Representative Reginald Meeks (12/15/09)**

AN ACT relating to expungement of criminal records.

Amend KRS 431.076 which provides for expungement of record of person found not guilty or against whom charges have been dismissed at defendant's request to require that the record be automatically expunged without a request from the defendant; expand expungement to convictions reversed on appeal when retrial is prohibited or not contemplated; permit defendant to waive automatic expungement; specify expungement procedures; retroactive.

(Prefiled by the sponsor(s).)

### **BR 345 - Senator Tim Shaughnessy (12/17/09)**

AN ACT relating to college completion.

Create a new section of KRS Chapter 164 to require public colleges and universities to submit a plan to the Council on Postsecondary Education to increase the number of students who graduate with a bachelor's degree within four years of initial enrollment; require the council to develop a multifaceted tracking process capable of following cohorts of students throughout the public postsecondary system, collect student data, and report to the Legislative Research commission an-

nually on the number of students, number on track to graduate, number who graduate within four years or within five years if in a specialty program; require boards of regents or trustees to include progress on these measures in the annual evaluation of the president of the institution beginning in 2014.

(Prefiled by the sponsor(s).)

### **BR 346 - Representative Mike Cherry (12/18/09)**

AN ACT relating to the transfer of faculty and staff providing educational services to Department of Corrections' inmates and declaring an emergency.

Create a new section of KRS Chapter 196 to provide for the transfer of employees, funds, equipment, and supplies engaged in providing educational services and support to inmates from the Kentucky Community and Technical College System to the Department of Corrections, effective July 1, 2010; provide employees two benefit options and require them to choose an option by June 15, 2010, after counseling with the Department of Personnel, KCTCS, and applicable retirement systems; amend KRS 61.510 to define the membership date for former KCTCS employees who were participating in a qualified 403(b) defined contribution plan; amend KRS 61.592 to include positions filled by former KCTCS employees who choose to be employed by the department under the provisions of KRS Chapter 18A in the definition of "hazardous position"; exempt the department from the requirement of requesting hazardous duty coverage for those employees; amend KRS 161.220 to include former KCTCS employees who choose to retain their KCTCS benefits in the definition of "member"; provide that hazardous duty coverage, contributions, and benefits for employees who choose to be employed by the department under KRS Chapter 18A shall begin July 1, 2010, and continue while the employee is in a position providing educational service and support to inmates; EMERGENCY.

(Prefiled by the sponsor(s).)

### **BR 348 - Representative Stan Lee (11/06/09)**

AN ACT relating to firearms, including ammunition and accessories for firearms.

Create new sections of KRS Chapter 237, relating to firearms, firearm accessories and ammunition that are made in Kentucky, marked made in Kentucky, and used in Kentucky, to specify that these items are exempt from federal law; provide that the exemption does not include machine guns, silencers, exploding ammunition, or firearms with a bore over one and one-half inches name the new sections the "Kentucky Firearms Freedom Act."

(Prefiled by the sponsor(s).)

### **BR 349 - Senator Damon Thayer (12/15/09)**

A RESOLUTION adjourning the Senate in honor and loving memory of Joseph "Joe" Smith Lusby, Jr.

Adjourn the Senate in honor and loving memory of Joseph "Joe" Smith Lusby, Jr.

(Prefiled by the sponsor(s).)

### **BR 355 - Representative Dennis Horlander (10/29/09)**

AN ACT relating to crimes and punishments.

Amend KRS 508.025 relating to third degree assault to include an assault on an operator or passenger of a taxi, bus, or other passenger vehicle for hire within that offense; amend KRS 508.050 and 525.060 relating to menacing and disorderly conduct to increase the penalty for those offenses where the offense is committed against an operator or passenger of a taxi, bus, or other passenger vehicle for hire.

(Prefiled by the sponsor(s).)

### **BR 357 - Representative Mike Denham (12/14/09)**

AN ACT relating to transportation.

Amend KRS 189.030 to require the illumination of headlights during any period of precipitation that necessitates the use of windshield wipers by motorists.

(Prefiled by the sponsor(s).)

### **BR 364 - Representative Brent Yonts (12/17/09)**

AN ACT relating to the transfer of undergraduate college credits.

Create a new section of KRS Chapter 164 to require university acceptance of transfer credits earned by students in dual enrollment programs, the Kentucky Community and Technical College System, and other public colleges and universities; prohibit universities from requiring transfer students to repeat or incur costs for courses they have already passed at another institution; direct the Council on Postsecondary Education to facilitate development of a statewide agreement for alignment of lower-division coursework and acceptance of credit for comparable coursework; direct the council to develop a system that includes statewide course numbering, common college transcripts, uniform data collection, reporting, and monitoring, and an appeals process; provide priority university admission to graduates with Kentucky earned associate degrees; amend KRS 164.020 to conform.

(Prefiled by the sponsor(s).)

### **BR 366 - Representative Brent Yonts (12/15/09)**

AN ACT relating to individual income tax.

Create a new section of KRS Chapter 141 to allow the loan forgiveness tax credit if there are insufficient funds available to the Higher Education Assistance Authority for certain loan forgiveness programs; amend KRS 141.0205 to order the credit; amend KRS 164.7531 to require certification of the credit.

(Prefiled by the sponsor(s).)

### **BR 367 - Representative Mike Cherry (10/26/09)**

AN ACT relating to honoring military service.

Amend KRS 18A.150 to require that an employing state agency offer an interview to all finalists entitled to preference points if there are fewer than five finalists, and to no fewer than five if there are five or more; amend to clarify veteran eligibility.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Veterans, Military Affairs and Public Protection

### **BR 369 - Senator Denise Harper Angel, Senator Perry**

**B. Clark (12/07/09)**

A RESOLUTION urging Governor Steve Beshear to include funding for Medicaid-approved smoking cessation services in his 2010-2012 Executive Branch budget proposal.

Urge the Governor to include funding for Medicaid-approved smoking cessation programs in his 2010-2012 Executive Branch budget proposal.

(Prefiled by the sponsor(s).)

**BR 370 - Senator Elizabeth Tori (12/09/09)**

A JOINT RESOLUTION directing the Transportation Cabinet to extend “The Purple Heart Trail” past Fort Knox and Fort Campbell.

Direct the Transportation Cabinet to extend “The Purple Heart Trail” past Fort Knox and Fort Campbell.

(Prefiled by the sponsor(s).)

**BR 371 - Senator David E. Boswell (11/03/09)**

A RESOLUTION urging awareness and education for Spinal Muscular Atrophy.

Urge public health and health-care professionals and entities to take an active role in raising awareness and educating Kentucky citizens about Spinal Muscular Atrophy.

(Prefiled by the sponsor(s).)

**BR 372 - Senator Walter Blevins Jr. (11/09/09)**

AN ACT relating to denture identification.

Create new section of KRS Chapter 313 to require a removable prosthetic denture constructed, altered, repaired, or duplicated by a licensed dentist or under a written laboratory procedure work order to be marked with the name of the patient for whom the denture is intended.

(Prefiled by the sponsor(s).)

**BR 377 - Representative Mike Cherry (11/12/09)**

AN ACT relating to special license plates.

Amend KRS 186.041 to per-

mit the surviving spouse of a Purple Heart recipient to keep special license plate assigned to that recipient.

(Prefiled by the sponsor(s).)

**BR 380 - Representative Kent Stevens (11/17/09)**

AN ACT relating to Personnel Board elections and declaring an emergency.

Amend KRS 18A.0551 to change the Personnel Board election dates and related deadlines; substitute a unique personal identification number for social security numbers; delete requirements for mailing ballots and double envelopes and substitute notification requirement; provide for delivery of ballots to board by any means; allow state employees to use state materials or equipment except for state-paid first class postage to vote; allow the board to promulgate administrative regulations to set out methods and procedures for notifying merit employees of the candidates and instructions for voting; and declare an emergency.

(Prefiled by the sponsor(s).)

**BR 386 - Senator Elizabeth Tori (12/15/09)**

AN ACT relating to full disclosure in public safety.

Create a new section of KRS Chapter 311 to specify how the phrase “individual, private setting” shall be interpreted in informed consent situations; create a new section of KRS Chapter 311 to require an ultrasound prior to an abortion; amend KRS 311.990 to provide a criminal penalty.

(Prefiled by the sponsor(s).)

**BR 388 - Senator Gary Tapp (12/14/09)**

AN ACT relating to motor vehicle license plates.

Create a new section of KRS Chapter 186 to establish an In God We Trust license plate as an alternate standard issue license plate; set forth design characteristics and eligibility standards; amend KRS 186.240 to conform; EFFECTIVE January 1, 2011.

(Prefiled by the sponsor(s).)

**BR 390 - Representative Kent Stevens (11/17/09)**

A CONCURRENT RESOLUTION designating March as Kidney Cancer Awareness Month in Kentucky.

Designate March 2010 as Kidney Cancer Awareness Month in Kentucky.

(Prefiled by the sponsor(s).)

**BR 394 - Representative Darryl T. Owens (11/13/09)**

AN ACT relating to elections.

Amend KRS 118.176 to add candidates for special elections to current definitions; amend KRS 118.315, 118.365, 118.367, and 118.770 to include political organization or political group candidates as candidates required to file nomination papers for a regular election; amend KRS 118.375 to change from 106 days to three months as the minimum amount of time that certain candidates may file petitions for a vacant elective office; amend KRS 118.760 to state the procedures to be followed for the nomination of independent, political organization, or political group candidates for a special election; amend KRS 118A.100 to establish petition standards for candidates for an unexpired term of a judicial office; amend KRS 118A.190 to establish for the board of elections of each county a certification deadline to the Secretary of State following primary or regular election.

(Prefiled by the sponsor(s).)

**BR 398 - Senator David L. Williams, Senator Ken Winters (10/29/09)**

A JOINT RESOLUTION relating to school funding.

Allow school districts to calculate the average daily attendance for the 2009-2010 school year by using the higher of the average daily attendance rate for the 2007-2008 school year or the 2008-2009 school year, multiplied by the average daily membership for the 2009-2010 school year.

(Prefiled by the sponsor(s).)

**BR 399 - Representative Susan Westrom (12/18/09)**

AN ACT relating to promo-

tional sampling of distilled spirits and wine.

Amend KRS 243.0305 to make the hours and days of operation for a souvenir retail liquor licensee subject to local ordinance; amend KRS 243.130, 243.154, and 243.170 to allow manufacturers, small farm winery wholesalers, and wholesalers to distribute wine or distilled spirits under a sampling license; amend KRS 244.050 to allow retail drink, retail package, and souvenir retail liquor licensees to give a customer 3 distilled spirit samples per day rather than 2 samples under a sampling license; permit a licensed distiller, wholesaler, small farm winery, or small farm winery wholesaler to acquire a sampling license; limit these sampling licensees to providing the standard size and number of complimentary samples of distilled spirits or wine per day to each customer during regular business hours at a retailer’s licensed premises; authorize the sampling licensee or its agents, servants, or employees to address the customer and pour and serve samples at the retailer’s premises; require retail licensees to sell the distilled spirits used for a complimentary sampling event at no more than the retail licensee’s normal selling price; permit the retail licensee to bill on a per-event basis in the usual course of business; forbid a distiller from using its sampling license on its distillery premises unless it also holds a souvenir retail liquor license; prohibit a wholesaler, small farm winery, or small farm winery wholesaler from using its sampling license at its business premises if the premises is located in dry territory; preclude a distiller, wholesaler, small farm winery, or small farm winery wholesaler sampling licensee from concurrently holding a distilled spirits sampling event and a wine sampling event at the same premises unless the Office for Alcoholic Beverage Control has approved the event in advance; authorize distiller licensees to give a consumer who is touring the distillery for educational purposes one complimentary sample of up to 1/2 ounce of un-aged product manufactured at the distillery premises; enable distiller, wholesaler, small farm winery, or small farm winery wholesaler sampling licensees to offer consumers branded nonalcoholic promotional items of nominal value in conjunction with a distillery or winery tour or a complimentary sampling event; prohibit the use of caffeinated alcoholic beverages as samples or promotional items either offered or



provided to customers or consumers under a sampling license.

(Prefiled by the sponsor(s).)

**BR 400 - Representative Dar-ryl T. Owens (12/18/09)**

AN ACT relating to support education excellence in Kentucky funding and making an appropriation therefor.

Amend KRS 157.360 to provide that a district board of education that levies a tax that is less than the maximum tax rate in a specific year as permitted shall receive a reduced share of any additional support education excellence in Kentucky funds based on the rate in that year.

(Prefiled by the sponsor(s).)

**BR 401 - Representative Mike Harmon (12/15/09)**

AN ACT relating to wages and hours.

Amend KRS 337.010 to establish that any employee employed by an organized nonprofit camp, religious, or nonprofit educational conference center that during the preceding calendar year had average receipts for any six months of that year that were not more than of one-third of its average receipts for the other six months of that year is not included in the definition of “employee.”

(Prefiled by the sponsor(s).)

**BR 405 - Senator Gary Tapp (12/17/09)**

AN ACT relating to state contracting practices.

Create a new section of KRS Chapter 45A to give preference to Kentucky resident bidders in state construction contracts; require this preference to apply against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state; specify that this preference is equal to the preference given or required by the state of the non resident bidder; include determination of the amount of the preference; define “resident bidder”; require the Finance and Administration Cabinet to promulgate administrative regulations on the process for establishing residency and listing states with a bid preference in place, including the amount of that preference; amend KRS 45A.070 to

redefine “best value” to include the requirement to communicate the preference in the invitation for bids; amend KRS 45A.085, 45A.090, 45A.180, and 45A.182 to conform; amend KRS 162.070 to include the preference for a resident bidder in accepting bids for secondary school construction contracts; amend KRS 164A.575 to add that “best value” shall be determined in accordance with KRS 45A.070 for postsecondary school capital construction contracts.

(Prefiled by the sponsor(s).)

**BR 417 - Representative Mike Cherry (12/17/09)**

AN ACT relating to governmental ethics.

Amend KRS 65.003 to include property valuation administrators within local governments’ codes of ethics; require codes of ethics to include policy on employment of members of families of property valuation administrators, with exemption as to employees hired prior to effective date of Act; amend KRS 132.370 to provide that property valuation administrators are subject only to local governments’ codes of ethics.

(Prefiled by the sponsor(s).)

**BR 421 - Representative Ted Edmonds (12/16/09)**

AN ACT relating to motor vehicle registration.

Amend KRS 186.180 to clarify that the \$20 reinstatement fee applies to an individual who had his or her vehicle’s registration revoked for not having motor vehicle insurance under the provisions of KRS 186A.040.

(Prefiled by the sponsor(s).)

**BR 422 - Representative Carl Rollins II (12/17/09)**

AN ACT creating the Kentucky Family Trust Program.

Create a new section of KRS Chapter 194A to establish the Kentucky Family Trust Program, which would operate a special needs or supplemental needs trust that allows family and friends to place money into trust for the supplemental care of persons with disabilities without endangering the beneficiary’s eligibility for public benefits.

(Prefiled by the sponsor(s).)

**BR 424 - Representative Charles Miller (11/13/09)**

AN ACT relating to inspections of manufactured homes.

Amend KRS 227.570 to establish a fee not to exceed \$150 for inspection of new manufactured home installations; allow the Manufactured Home Certification and Licensure Board to set the fee through administrative regulation; allow the board to increase the fee by no more than ten percent year, with the limit still set at \$150 total after any increases; deposit fee proceeds in the trust and agency fund.

(Prefiled by the sponsor(s).)

**BR 427 - Representative Carl Rollins II (12/17/09)**

AN ACT relating to long-term care facilities.

Amend KRS 216.543 to require every long-term care facility to post in a conspicuous place, accessible to residents, employees, and visitors the star quality rating assigned to the facility by the CMS Five-Star Quality Rating System for Nursing Homes.

(Prefiled by the sponsor(s).)

**BR 428 - Representative Carl Rollins II (12/17/09)**

AN ACT relating to minimum staffing requirements for long-term care facilities.

Create new sections of KRS 216B to require staff-to-resident ratios in long-term care facilities as a condition of licensure or relicensure; establish minimum staffing requirements; prohibit long-term care facilities from admitting new residents if the facility fails to comply with the minimum staffing requirements, beginning on the second day of noncompliance and continuing until six days after the required staffing is achieved, with exceptions allowed for weather emergencies and other similar events; require additional staffing based on the needs of the residents; exempt intermediate-care facilities for the mentally retarded, institutions for the treatment of mental illnesses, personal care homes, and family care homes from the minimum staffing requirements; create a 19-member board to review staffing requirements on an annual

basis; establish a civil fine of no more than \$1,000 for each day that the staffing requirements are not maintained.

(Prefiled by the sponsor(s).)

**BR 429 - Senator Alice Forgy Kerr (12/11/09)**

AN ACT relating to public recreational water facilities.

Amend KRS 211.180 to require that any administrative regulation promulgated by the secretary of the Cabinet for Health and Family Services relating to public swimming pool safety and sanitation include a description of the permitted uses of interactive water features; define “interactive water feature” to mean a structure designed to allow for recreational activities with recirculated, filtered, and treated water, but having minimal standing water; mandate that regulation of interactive water features include permitted types, size and use limits, supervision and safety, operational requirements, water filtration, recirculation, and disinfection, and materials and components; direct the secretary of the cabinet to promulgate or revise administrative regulations relating to interactive water features within six months; require the secretary to review and publicly recommend revisions to the public swimming pool safety and sanitation code at least once every five years.

(Prefiled by the sponsor(s).)

**BR 430 - Representative Joni L. Jenkins (12/18/09)**

AN ACT relating to the Commission on Fire Protection Personnel Standards and Education and making an appropriation therefor.

Amend KRS 95A.020 to require regular meetings of the Commission on Fire Protection Personnel Standards and Education; provide that a member who misses three or more regular meetings in a year is deemed to have resigned; require the Governor to fill any vacancy within 90 days; amend KRS 95A.030 to specify that the commission elects officers yearly; amend KRS 95A.040 to allow the commission to support training and certification of professional firefighters.

(Prefiled by the sponsor(s).)

**BR 431 - Representative John**

Tilley (12/18/09)

AN ACT relating to deeds.

Amend KRS 382.135 to make a technical correction to an internal reference to specify the tax address is not necessary in deeds making certain types of conveyances.

(Prefiled by the sponsor(s).)

**BR 439 - Representative Mike Cherry (12/17/09)**

AN ACT relating to reorganization.

Amend KRS 15.010, relating to organizational units within the Department of Law, to create an Office of Criminal Appeals, Office of Consumer Protection, Department of Criminal Investigations, Office of Special Prosecutions, Office of Prosecutors Advisory Council, Office of Medicaid Fraud and Abuse Control, Office of Civil and Environmental Law, Office of Victims' Advocacy, and Office of Administrative Services, and abolish the Child Support Enforcement Commission, Administrative Hearings Division, and Financial Integrity Enforcement Division; amend various other statutes to conform; repeal KRS 15.055 and 15.290; confirm Attorney General Executive Order AG 09-01, dated May 4, 2009.

(Prefiled by the sponsor(s).)

**BR 440 - Representative Hubert Collins (12/15/09)**

AN ACT relating to motor vehicles.

Amend KRS 186A.340 to specify that appeals of motor vehicle titling actions may be taken to the District Court.

(Prefiled by the sponsor(s).)

**BR 441 - Representative Kent Stevens (12/02/09)**

AN ACT relating to jurisdictional limits for Kentucky courts

Amend KRS 24A.120 to increase the jurisdictional limit of civil actions in the District Court from \$4,000 to \$10,000; amend KRS 24A.230 and 24A.290 to increase the jurisdictional limit of the small claims division of the District Court from \$1,500 to \$5,000 for both claims and counterclaims.

(Prefiled by the sponsor(s).)

**BR 443 - Representative Mike Cherry (12/17/09)**

AN ACT relating to executive branch employees and declaring an emergency.

Amend KRS 18A.005 to clarify the definitions of "penalization," "promotion," "reclassification," "reinstatement," and "status," and to define "qualifying" and "re-entrance"; amend KRS 18A.030 to require the secretary of the Personnel Cabinet to propose selection method changes to the Personnel Board for review and comment and to set a time frame for the board to approve or reject the proposed change; amend KRS 18A.040 to provide that the secretary, not the commissioner; and the board shall ensure Federal Compliance, where applicable; amend KRS 18A.045 to include personnel board members to those covered by portions of the Executive Branch Code of Ethics; amend KRS 18A.050 to allow elected members to serve for successive terms on the board; amend KRS 18A.0551 to change dates and procedures related to the board election and replace references to an employee's Social Security number with the employee's unique personal identification number; amend KRS 18A.075 to clarify when the board may hear appeals; require the annual report of the Personnel Board be sent to the co-chairs of the Interim Joint Committee on State Government prior to October 1; specify the content of the report; require the Personnel Board to review and comment on all proposed selection method change requests from the secretary of the Personnel Cabinet; amend KRS 18A.095 to allow an appointing authority to suspend an employee, with pay, from the time that the employee has received an intent to dismiss letter and prior to the agency's final action; require final actions of the board be posted on a Web site; make technical corrections; amend KRS 18A.111 require former unclassified employees to serve an initial probationary period of 12 months if the employee is appointed to a position in the classified service, unless he or she has prior status within the system or had been separated from his or her unclassified position at least 180 days; amend KRS 18A.140 to allow for employees to seek nonpartisan elected office if there is no perception of a conflict of office and full disclosure of intent to run for the office is made to

the employer of the prospective candidate; amend KRS 18A.195 to limit the amount of compensatory leave block payments for certain unclassified employees and clarify that compensatory leave payments are limited to 240 hours for any employee who leaves state service; amend KRS 61.373 to clarify that upon release from a period of active duty or training, state employees in the National Guard or reserve Armed Forces have the right to return to employment and may appeal dismissal; and EMERGENCY.

(Prefiled by the sponsor(s).)

**BR 447 - Senator Jack Westwood (12/07/09)**

AN ACT relating to career and technical education, making an appropriation therefor, and declaring an emergency.

Amend KRS 158.810 to define terms relating to career and technical education; amend KRS 158.812 to specify the intent of the General Assembly and to clarify purposes of career and technical education and legislative beliefs; create a new section of KRS Chapter 156 to require communication of the minimum college and career-readiness standards to all local school districts prior to the beginning of the 2011-2012 school year; require the Department of Education to develop enhanced courses in English, reading, and mathematics for at-risk students in grades 9, 10, 11, and 12; create a new section of KRS Chapter 158 to require the Kentucky Department of Education, if funds are appropriated for that purpose, to recommend evidence-based instructional models to schools to help at-risk students; require all career and technical education teachers to receive training in how to embed reading, mathematics, and science knowledge and skills in specific career and technical education programs; create a new section of KRS Chapter 157 to establish a career and technical education accessibility fund for matching grants to local school districts to be administered by the Kentucky Department of Education and require the Kentucky Board of Education to promulgate administrative regulations for implementing the grant program; create a new section of KRS Chapter 157 to define "career guidance coach" and to create a career guidance fund for matching grants to local school districts to be administered by the Kentucky Department of Education and require

the Kentucky Board of Education to promulgate administrative regulations for implementing the grant program; amend KRS 158.814 to require that the Kentucky Department of Education and the Office of Career and Technical Education to determine the statewide unmet needs for career and technical education capital projects; create a new section of KRS Chapter 141 to provide a tax credit for a financial gift or in-kind contribution to the career and technical education accessibility fund; amend KRS 141.0205 to conform; amend KRS 158.816 to complete data analysis and reporting of the attainment of skills and educational credentials by technical education students; amend KRS 18A.010 to exempt teachers, guidance coaches and counselors, and school administrators employed in state-operated area technology centers from the executive branch employee cap; name the Act the "Career Pathways Act of 2010"; EMERGENCY.

(Prefiled by the sponsor(s).)

**BR 449 - Representative Tom Riner (12/16/09)**

AN ACT relating to wage discrimination.

Define "comparable worth" and use term to prohibit wage discrimination against a person of the opposite sex who is paid less for doing a job of comparable worth.

(Prefiled by the sponsor(s).)

**BR 453 - Representative Tom Riner (12/16/09)**

AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote.

Propose to amend Section 145 of the Constitution of Kentucky to exclude a convicted felon from the right to vote for certain crimes; exclude other convicted felons from the right to vote until expiration of probation or final discharge from parole or maximum expiration of sentence; submit to the voters for ratification or rejection.

(Prefiled by the sponsor(s).)

**BR 454 - Senator Alice Forgy Kerr (12/11/09)**

AN ACT relating to the neces-



sary information to be provided to the county clerks to maintain a roster of voters who are eligible to vote in city and school board elections.

Amend KRS 116.200 to establish a deadline of January 1, 2011, for cities and school boards to submit to the county clerk a list of properties and boundaries and changes to boundaries; permit electronic transmission of information, including maps; prohibit county clerks from charging a fee to cities or school boards; permit county clerks to request more information if necessary in order to maintain the voting roster; amend KRS 81A.470 to eliminate the requirement that certain documents be filed in the Governor's Office for Local Development; amend KRS 81A.475 to conform.

(Prefiled by the sponsor(s).)

### **BR 459 - Representative Ted Edmonds (12/16/09)**

AN ACT relating to retirement.

Create a new section of KRS 6.500 to 6.577 to establish an excess benefit plan for the Legislators' Retirement Plan in order to provide for payment of retirement benefits that are limited by 26 U.S.C. sec. 415.

(Prefiled by the sponsor(s).)

### **BR 462 - Representative Dennis Horlander (11/24/09)**

AN ACT relating to county ordinances.

Amend KRS 67.077, relating to treatment of proposed ordinances and amendments, to incorporate related sections, along with provision for suspension of requirement of the second reading and for publication in summary form.

(Prefiled by the sponsor(s).)

### **BR 463 - Representative Tom Riner (12/16/09)**

A RESOLUTION commending the Franklin County Board of Education on its pilot program to allow middle and high schools to start the school day later than elementary schools.

Commend Franklin County Board of Education for its pilot program that allows a later start time for middle and secondary school students.

(Prefiled by the sponsor(s).)

### **BR 467 - Representative Mary Lou Marzian (12/15/09)**

AN ACT relating to civil rights.

Amend KRS 344.010 to include definitions for "sexual orientation" and "gender identity"; amend KRS 344.020, relating to the purpose of the Kentucky's civil rights chapter, to include a prohibition on discrimination because of sexual orientation and gender identity; amend KRS 344.040, 344.050, 344.060, 344.070, and 344.080, relating to prohibited discrimination in various labor and employment practices, to include sexual orientation and gender identity; amend KRS 344.025, 344.100, 344.110, and 18A.095 to conform; amend KRS 344.120 and 342.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include sexual orientation and gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties; amend KRS 344.360, 344.680, 344.370, and 344.380, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include sexual orientation and gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include sexual orientation and gender identity; make various technical amendments.

(Prefiled by the sponsor(s).)

### **BR 468 - Representative Mary Lou Marzian (12/15/09)**

AN ACT relating to a health facility patient's visitation rights.

Create a new section of KRS Chapter 216B to allow a patient of a health facility who is 18 years of age or older to designate, in writing, an individual not legally related by marriage or blood, who the patient wishes to have visitation rights; require the health facility to note this designation in the patient's permanent medical

records; provide that the patient may rescind the designation at any time, in writing.

(Prefiled by the sponsor(s).)

### **BR 472 - Representative Kent Stevens (12/08/09)**

AN ACT relating to veterans' discharge papers.

Amend KRS 422.090 to delete the right of veterans and specified individuals to inspect discharge papers on file with Kentucky county clerks; provide that county clerks shall provide a copy, certified copy, or an attested copy of discharge papers to veterans and specified individuals; require the Kentucky Department of Veterans' Affairs to send a reminder of the provisions of this statute to Kentucky county clerks annually.

(Prefiled by the sponsor(s).)

### **BR 475 - Representative David Floyd (12/01/09)**

AN ACT relating to sales tax on alcohol.

Amend KRS 139.470 to exempt gross receipts from the sale of distilled spirits, wine, and malt beverages, not consumed on the premises, from sales and use tax, effective August 1, 2010.

(Prefiled by the sponsor(s).)

### **BR 484 - Representative Bill Farmer (12/14/09)**

AN ACT relating to local taxation of business.

Amend KRS 67.750 to exempt any proceeds derived by a business entity from the transfer or sale of business property from the definition of "gross receipts" and "net profit" for purposes of local net profits, gross receipts, and occupational license taxes; amend KRS 67.758 to require that any overpayments of local net profits, gross receipts, or occupational license taxes shall be applied to any past deficiencies or nonpayment remaining due, prior to being provided as a refund of the current year tax due, and to clarify that the business entity has the option of applying any refund to future payments of estimated tax; amend KRS 67.760 to make technical corrections clarifying that for purposes of the local taxes on business, computations of gross income, gross receipts, and ac-

counting procedures shall be as nearly identical as is possible to the requirements of the federal income tax laws and to require that the same calendar or fiscal year used for federal tax purposes shall be used for local purposes; amend KRS 67.768 to eliminate the requirement that business entities must submit copies of their federal income tax return with their local returns, and allow any local tax district to compel the business entity to provide any portion of the federal return if necessary to audit the local return; amend KRS 67.770 to require that a local tax district must grant a filing extension to a business entity that has been granted an extension for federal tax purposes by the Internal Revenue Service; amend KRS 67.790 to require a local tax district to waive all penalties assessed against a business entity if it is ultimately determined that the entity owes no tax, and to eliminate the minimum penalty provisions for failure to file a return or timely pay tax; create a new section of KRS 67.750 to 67.790 to require that for an individual who must pay a local tax as a business entity, and who for federal tax purposes reports income on one or more schedules of a single federal return, that all income and expenses subject to tax by a local tax district shall be combined to calculate one amount of net profit or gross receipts on which to levy the tax due; create a new section of KRS 67.750 to 67.790 to declare the purpose and intent of KRS 67.750 to 67.790; repeal KRS 67.765.

(Prefiled by the sponsor(s).)

### **BR 486 - Representative Brad Montell (12/07/09)**

AN ACT changing the classification of the City of Taylorsville, in Spencer County.

Reclassify Taylorsville in Spencer County, population 1,232, from a city of the fifth class to a city of the fourth class. As provided in Section 156A of the Kentucky Constitution, the population requirements for the classification established by the former Section 156 of the Kentucky Constitution remain in effect until changed by law. Therefore, classification of a city of the fourth class requires a population of 3,000 to 7,999.

(Prefiled by the sponsor(s).)

### **BR 487 - Representative Mike Denham (12/15/09)**

AN ACT relating to the financial examination of insurers.

Amend KRS 304.2-210 to authorize the examination of each domestic insurer once every five years, rather than every three years; amend KRS 304.2-320 to require entities seeking a merger, acquisition, or other change of control to bear the cost of the public hearing notice; KRS 304.3-180 to prohibit a property and casualty insurer from using the same accountant for preparation of its audited financial statement for more than five consecutive years; amend KRS 304.3-242 to require insurers file an actuarial opinion summary in addition to the statement of actuarial opinion.

(Prefiled by the sponsor(s).)

#### **BR 488 - Representative Ron Crimm (12/16/09)**

A CONCURRENT RESOLUTION urging the United States Congress to ensure that licensed health insurance agents and brokers retain the right under any newly enacted legislation to enroll individuals and employers in any private or public sector health insurance option available.

Urge the United States Congress to grant licensed insurance agents and brokers the right to enroll individuals and employers under any national health insurance plan.

(Prefiled by the sponsor(s).)

#### **BR 490 - Representative Linda Belcher, Representative Sannie Overly (12/15/09)**

AN ACT relating to probate fees.

Amend KRS 61.315 to exempt the estate of anyone who is eligible for state death gratuity benefits, and the estate of any regular member of the Armed Forces, from probate fees.

(Prefiled by the sponsor(s).)

#### **BR 494 - Representative David Floyd (12/17/09)**

AN ACT relating to in-the-line-of-duty death benefits.

Amend KRS 61.315 to add that the spouse or dependents of an emergency responder volunteering for or employed by a licensed ambulance service under KRS Chapter 311A are

eligible for a state death benefit when the emergency responder dies in the line of duty; requires the Board of Emergency Medical Services to promulgate administrative regulations to carry out the provisions of the statute; clarify "federal active duty".

(Prefiled by the sponsor(s).)

#### **BR 801 - Representative Joni L. Jenkins (12/18/09)**

AN ACT relating to crimes and punishment.

Amend KRS 525.125, relating to cruelty to animals in the first degree, to provide that causing any animal, not just a four-legged animal, to fight is a Class D felony; amend KRS 525.130, relating to cruelty to animals in the second degree, to provide that a person is guilty of cruelty to animals in the second degree if he is a spectator at any animal fight, not just a four-legged animal fight, possesses an animal for fighting, possesses a device used for animal fighting, or administers a drug to an animal for the purpose of fighting.

(Prefiled by the sponsor(s).)

#### **BR 803 - Representative Tom McKee (12/16/09)**

AN ACT relating to classified school employees.

Amend KRS 161.011 to allow a local board of education to seek a waiver from the Kentucky Board of Education to employ in a classified position a person without a high school diploma or GED certificate.

(Prefiled by the sponsor(s).)

#### **BR 804 - Representative Ron Crimm (12/16/09)**

AN ACT relating to annuity nonforfeiture provisions.

Amend KRS 304.15-365 to prohibit surrender charges beyond the maturity date of an annuity except for annuity contracts with one or more renewable periods with an interest rate in excess of the minimum rate included in the contract if the surrender charge is zero, the contract provides for continuation of the contract without surrender charges unless a new guaranteed period with a new surrender charge schedule is elected, and the renewal period does not exceed ten years and complies with maturity

date provisions of this section; allow an annuity contract that provides flexible considerations to have a separate surrender charges schedule; provide that the tenth anniversary of the contract shall be used for determining the maturity date and shall be determined separately for each consideration.

(Prefiled by the sponsor(s).)

#### **BR 809 - Representative Kent Stevens (12/14/09)**

AN ACT relating to the Kentucky Board of Barbering.

Amend KRS 317.470 to require that a licensed barber serve as the administrator of the Kentucky Board of Barbering.

(Prefiled by the sponsor(s).)

#### **BR 812 - Representative John Tilley (12/18/09)**

AN ACT changing the classification of the City of Cadiz, in Trigg County.

Reclassify the City of Cadiz in Trigg County, population 2,563, from a city of the fifth class to a city of the fourth class. As provided in Section 156A of the Kentucky Constitution, the population requirements for the classification of cities established by the former Section 156 of the Constitution remain in effect until changed by law. Therefore, classification as a city of the fourth class requires a population of 3,000 to 7,999.

(Prefiled by the sponsor(s).)

#### **BR 815 - Representative Ted Edmonds (12/16/09)**

AN ACT relating to compensation of county officers and employees.

Amend KRS 64.530 to provide for the reasonable compensation of county officers, employees, deputies, and assistants as fixed by the fiscal court.

(Prefiled by the sponsor(s).)

#### **BR 816 - Representative Leslie Combs (12/15/09)**

AN ACT relating to the name of the Pine Mountain Trail State Park.

Amend KRS 148.870, 148.872, 148.874, 148.880, and

148.892 to rename the "Pine Mountain Trail State Park" the "Pine Mountain State Scenic Trail".

(Prefiled by the sponsor(s).)

#### **BR 818 - Representative Richard Henderson (12/16/09)**

AN ACT relating to substance endangerment of a child prior to birth.

Create a new section of KRS Chapter 530 relating to family offenses, to create the crime of substance endangerment of a child prior to birth when a mother's use of alcohol or controlled substances prior to birth results in the birth of a child with substance abuse problems or serious physical injury.

(Prefiled by the sponsor(s).)

#### **BR 819 - Representative Darryl T. Owens (12/17/09)**

AN ACT relating to campaign finance.

Delete KRS 121.180(11) to remove campaign finance reporting requirement for newspaper or magazine publishers, or owners or lessors of billboards, or radio or television stations or networks, or other persons or business entities that receive funds for advertising services or materials to support or oppose a slate of candidates for election to the offices of Governor and Lieutenant Governor.

(Prefiled by the sponsor(s).)

#### **BR 820 - Representative Darryl T. Owens (12/17/09)**

AN ACT relating to elections.

Amend KRS 116.055 to permit members of political organizations and political groups to vote in primaries for nonpartisan races; amend KRS 117.035 to establish a process to select temporary replacements for a member of a county board of elections if a member is prohibited from serving, chooses not to serve, or cannot serve due to illness, injury, or other disability; amend KRS 117.045 to prohibit an election officer from being a candidate while serving as an election officer or from being an election officer in a precinct where the election officer has family members on the ballot; amend KRS 117.075 to give the clerk a three-day period to mail a requested absentee ballot to a voter; amend KRS 117.085 to clarify the procedures re-



lating to absentee ballots; amend KRS 117.187 to require a county board of elections to include the elections and voting equipment security plan in the training provided to election officers and extend the training to special elections; amend KRS 117.265 to clarify the time for filing a declaration of intent; amend KRS 117.275 to specify procedures for handling return sheets and the records of voting equipment; amend KRS 117.295 to require that ballot boxes remain locked after voting; amend KRS 117.315 to add special elections to procedures relating to election challengers; amend KRS 117.355 to conform; amend KRS 118.425 to establish that the State Board of Elections count and tabulate the votes certified to the Secretary of State no later than the third Monday after the election; repeal KRS 117.285.

(Prefiled by the sponsor(s).)

#### **BR 830 - Representative Tom Burch (12/16/09)**

AN ACT relating to the operation of a motor vehicle and making an appropriation therefor.

Create a new section of KRS Chapter 186 to require the Transportation Cabinet to issue every holder of an instructional permit two decals; require every holder of an instructional permit to, when operating a motor vehicle, affix decals issued to the vehicle; require Transportation Cabinet to promulgate administrative regulations to prescribe the manner the decals are to be displayed; amend KRS 186.450 to require that holders of instructional permits display decals when operating a motor vehicle; establish a delayed effective date of January 1, 2011.

(Prefiled by the sponsor(s).)

#### **BR 839 - Senator Gerald A. Neal (12/18/09)**

AN ACT relating to identification cards for people experiencing homelessness.

Amend KRS 186.531 to establish a \$2.00 charge for an original, renewal, or first duplicate personal identification card issued to a person without a fixed, permanent address.

(Prefiled by the sponsor(s).)

#### **BR 842 - Senator Alice Forgý Kerr (12/16/09)**

AN ACT relating to procurement.

Amend KRS 45A.470 to require all governmental bodies and political subdivisions to give second preference to the Kentucky Industries for the Blind, Incorporated and other nonprofit corporations for services.

(Prefiled by the sponsor(s).)

#### **BR 843 - Senator Jimmy Higdon (12/18/09)**

AN ACT relating to automated or recorded political telephone messages.

Amend KRS 367.46951 to define “prerecorded political message”; amend KRS 367.46955 to prohibit the delivery of prerecorded political messages to telephone numbers on the national Do Not Call Registry.

(Prefiled by the sponsor(s).)

#### **BR 844 - Senator Jimmy Higdon (12/18/09)**

AN ACT relating to retirement.

Amend KRS 6.525, relating to legislative retirement, to prevent members of the General Assembly from consolidating their accounts under various retirement systems for the purpose of determining benefits.

(Prefiled by the sponsor(s).)

#### **BR 845 - Senator Jimmy Higdon (12/18/09)**

AN ACT proposing an amendment to Sections 36 and 42 of the Constitution of Kentucky relating to legislative sessions.

Propose an amendment to Sections 36 and 42 of the Kentucky Constitution to limit legislative sessions of the General Assembly to 30 days each year and remove the requirement that three-fifths of elected members approve a bill that raises revenue or appropriates funds in sessions in odd-number years.

(Prefiled by the sponsor(s).)

#### **BR 846 - Senator Jimmy Higdon (12/18/09)**

AN ACT relating to primaries.

Amend KRS 116.055 to per-

mit a registered independent to vote in the primary of one party for each primary; amend KRS 118.125 to provide that a primary candidate shall not be a registered independent; amend KRS 117.125 to provide that electronic voting machines be reprogrammed to allow a registered independent to vote for a party’s candidates in a primary.

(Prefiled by the sponsor(s).)

#### **BR 847 - Representative Rick G. Nelson (12/16/09)**

AN ACT relating to delayed birth certificates.

Amend KRS 213.056 to allow applicants for a delayed birth certificate to complete the required forms in legible, handwritten print; allow vital records to be used to complete missing information in the application for a delayed birth certificate; require that the cabinet list information required to apply for a delayed birth certificate in administrative regulation form; limit the requirement to include Social Security numbers for parents on birth certificates to children born after 1950; require that the cabinet provide written information to applicants for delayed birth certificates that would include assistance in locating required documents; require the cabinet to work with the Administrative Office of the Courts to formulate standard court procedures and forms to be used to establish a delayed birth certificate; amend KRS 213.121 to allow the State Registrar to correct obvious errors on a birth certificate upon request of a parent, legal guardian, individual responsible for filing the birth certificate, or a child born before 1950; define “obvious errors.”

(Prefiled by the sponsor(s).)

#### **BR 848 - Senator Alice Forgý Kerr (12/16/09)**

AN ACT relating to the education of students with special needs.

Create new sections of KRS Chapter 157 to establish the Students with Special Needs Scholarship Program; define terminology regarding participation; describe the process for the Kentucky Department of Education to receive student applications and to allocate scholarship funding; require a resident school district to provide annual notice of the scholarship program to parents, transfer school records, and provide transportation; permit a student

to participate in the state assessment if requested; describe the requirements for a nonpublic school to become a participating school; describe parent, student, and local district responsibilities; clarify the requirements for a proportionate share of federal funds for parentally placed students with disabilities; amend KRS 157.196, KRS 159.030, and KRS 605.115 to conform with the definition of “individualized education program” in the federal Individuals with Disabilities Education Act; cite the act as the “Special Needs Alternative Education and Welfare Act of 2010”.

(Prefiled by the sponsor(s).)

#### **BR 850 - Senator John Schickel (12/18/09)**

AN ACT relating to state prisoners.

Amend KRS 441.045, relating to county jail fees, to permit a county jail to charge a medical copayment fee to state prisoners using local jail medical facilities; amend KRS 197.020, relating to state prisoner copayment fees for using state medical facilities, to conform.

(Prefiled by the sponsor(s).)

#### **BR 855 - Representative Susan Westrom, Representative Robert R. Damron (12/18/09)**

AN ACT relating to debt adjusting.

Amend KRS 380.010 to define “debt adjuster,” “debtor,” “personal information,” and “additional interested party,” and amend definition of “debt adjusting”; create new sections of KRS Chapter 380 to set forth requirements regarding debt-adjusting contracts, including the requirement that contracts be in writing and signed and dated by the debtor; provide a debtor’s right to cancel and set forth provisions relating to cancellation; prohibit the waiver of a debtor’s rights; provide for a private right of action for persons entering into debt-adjusting transactions who have suffered loss of money or property, including the right to punitive damages and attorney’s fees and costs; require debt adjusters to adhere to stated information security standards; prohibit the sale of debtor’s personal information except under permitted circumstances; amend KRS 380.040 to prohibit a debt adjuster from accepting a fee, contribution, or other consider-

ation in advance of complete performance of promised services, to require debt adjuster’s to maintain insurance for violations KRS Chapter 380, and to require debt adjusters to maintain a bond or irrevocable letter of credit in the amount of \$25,000 in favor of the Attorney General for the benefit of the Commonwealth or any person suffering injury or loss by reason of a violationof KRS Chapter 380; amend KRS 380.990 to allow for imposition of a \$5,000 civil penalty for violation of KRS 380.040 and stipulate that violations of KRS Chapter 380 are unfair, false, misleading, or deceptive trade practices, including the ramifications thereof; amend KRS 380.030 to clarify that attorneys admitted to the practice of law in this state by the Kentucky Supreme Court are not to be considered debt adjusters.

(Prefiled by the sponsor(s).)

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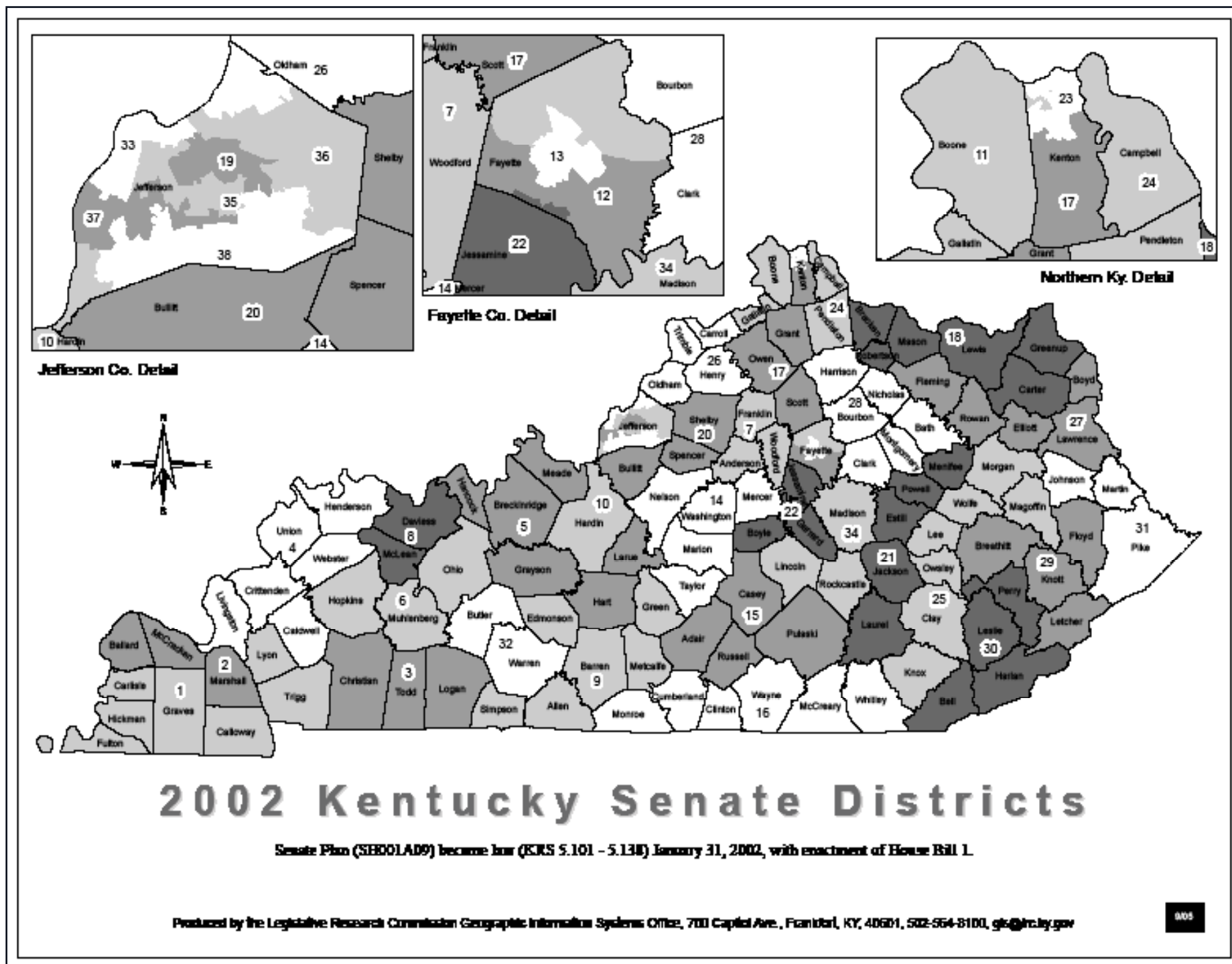
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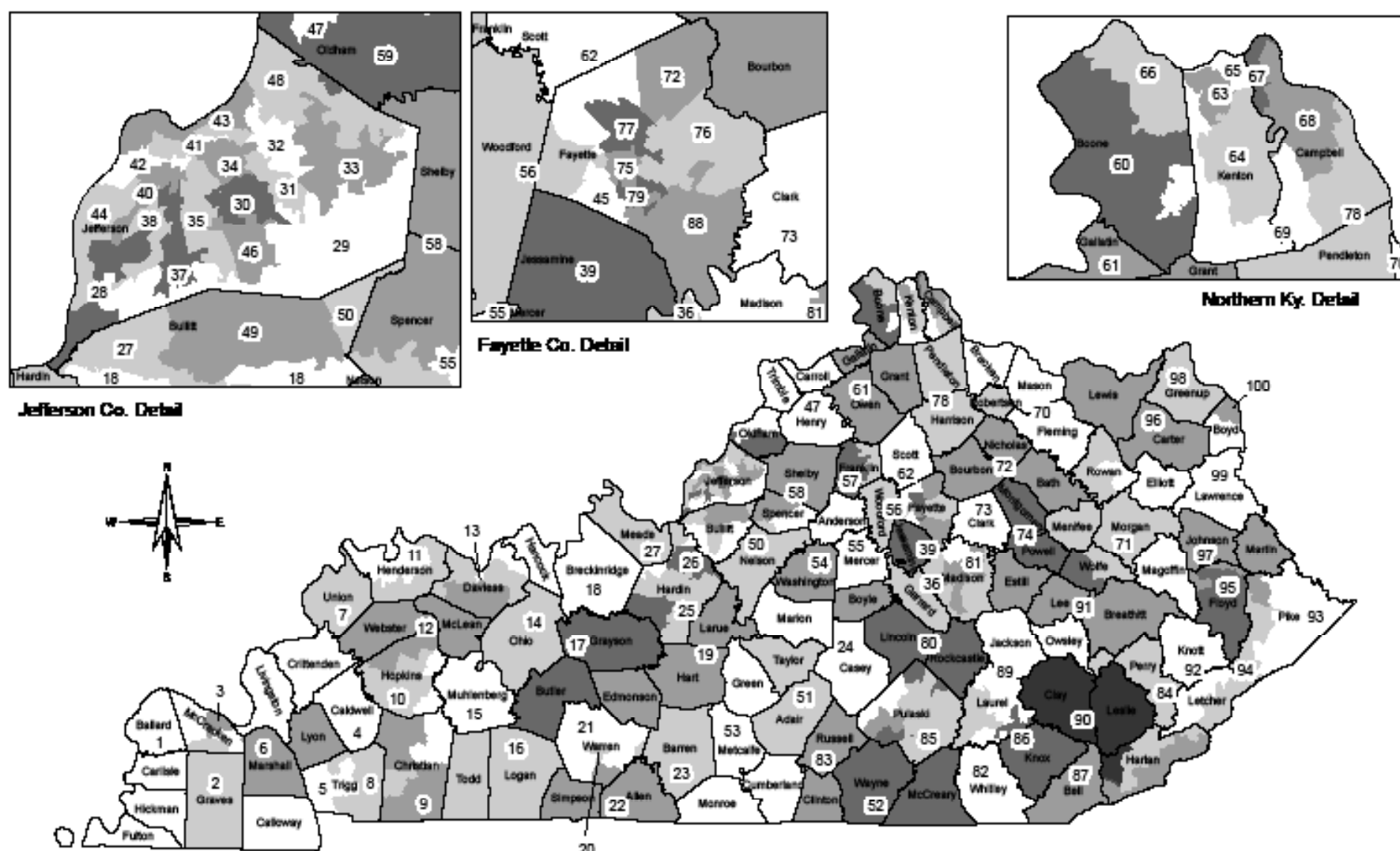
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# 2002 Kentucky House Districts

House Plan (HH001A11) became law (KRS 5.201 - 5.300) January 31, 2002, with enactment of House Bill 1.

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