

# 2010 Interim LEGISLATIVE

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\* Read on-line at [www.lrc.ky.gov/legislation.htm](http://www.lrc.ky.gov/legislation.htm)\*



## RECORD

## Trends in child abuse, neglect reviewed by lawmakers

by Rob Weber  
*LRC Public Information*

The state is taking steps to improve investigations into child abuse and neglect to help prevent child fatalities, lawmakers were told during the December 15 meeting of the Interim Joint Committee on Health and Welfare.

Pat Wilson, commissioner of the Department for Community Based Services in the Cabinet for Health and Family Services, told lawmakers that changes going into effect in January will ensure that more people are questioned when the department is investigating suspected child abuse or neglect.

"We need to make a concerted effort that we're talking to day cares, that we're talking to Head Start, that we're talking to the nurses in the doctor's office – not always just the doctor – that we're talk-

ing to anyone who may have information, perspective, or knowledge about the children," she said.

Protocol for "high risk" cases in which children are at greater risk of being victims of a fatal case of abuse or neglect is also being refined, Wilson said.

"We established refined protocol that says these are some additional questions that we will ask during the routine investigation of abuse and neglect to talk about with family members, to talk about with those collateral contacts, trying to glean as much information about this child and this child's living arrangements as we can," she said.

Long-time regional workers will also have greater opportunity to assist less experienced front-line workers when investigating reports of abuse and neglect involving children considered to be at a

**Continued on page 2**



House Health and Welfare Committee Chair Rep. Tom Burch, D-Louisville, comments on testimony before the committee in mid-December.

## Lawmakers learn of horse breeder incentives' success

by Rebecca Mullins Hanchett  
*LRC Public Information*

Nearly \$14 million in state breeders' incentive funds were allocated this year to winners of eligible 2009 thoroughbred races, state lawmakers learned in late November.

The Interim Joint Committee on Licensing and Occupations was informed of the payouts by Kentucky Horse Racing Commission official Jamie Eads during testimony on the Breeders' Incentive Fund, an account created by Kentucky General Assembly in 2005 that now provides financial incentives for 13 breeds including the thoroughbred, standardbred and what the Commission calls "non-race" breeds like the Kentucky Arabian, quarter horse, Appaloosa and others.

A total of \$2.4 million in standardbred incentives were paid by the BIF as purse money for the Kentucky Sire Stakes at The Red Mile in September, said Eads, while incentives for 11 non-race breeds totaled over \$1 million in 2009.

The BIF is funded by the state's six percent sales tax on every stallion bred to a mare in Kentucky. While the tax has been required to be paid on stud fees for years, it was not until 2005 that the funds went directly to the horse industry through the BIF, according to the KHRC web site.

"All three programs affect all 120 counties in Kentucky and are important to our horse community," said Eads, who thanked the General Assembly for creating the incentive programs.

Thoroughbred winners from Kentucky—which are expected to receive about \$11 million in 2011 incentives funds for races won this year, said Eads—are making strides, with Kentucky thoroughbreds winning both the Kentucky Derby and the Kentucky Oaks for the fifth year in a row in 2010. Those winners will receive \$100,000 each from the incentive fund in 2011, said Eads.

Kentucky also had thoroughbred racing's top stallions like Dunkirk, Malibu Moon, Candy Ride and Giant's Causeway, Eads said, and is showing growth in other breeds like the quarter Horse which received a BIF allocation of \$428,927 through the

Kentucky Quarter Horse Association in 2008. Eads said the quarter horse industry has grown significantly in Kentucky since the incentive program began.

"I know that when the program started, they saw a 14-fold increase in stallions in the state," she told committee co-chair Sen. Gary Tapp, R-Shelbyville.

"I've had some realtors in the past who have called me about the incentive fund with the comment that they're having people move in looking to buy farms—the quarter horse people—because of the Breeders' Incentive Fund. So it's been a good deal," Tapp said.

Fellow co-chair Rep. Dennis Keene, D-Wilder, asked KHRC Executive Director Lisa Underwood about another issue affecting the horse industry in Kentucky: out-of-state casinos. A casino operated by Harrah's Entertainment is scheduled to open in downtown Cincinnati in 2012 just miles away from Turfway Park horse track in Florence.

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## Child abuse, from page 1

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higher risk of fatal abuse or neglect, Wilson said.

The veteran workers “will be involved from the very initiation of the report of abuse or neglect, helping our staff and guiding them. Not doing the job for them, but guiding them in terms of making sure the right questions are asked, making sure we conduct all the follow-up, doing our very best to make sure we leave no stone unturned when it comes to determining the cause of abuse or neglect or whether it’s substantiated,” she said.

Wilson discussed the changes while presenting testimony to lawmakers about trends in child abuse and neglect in Kentucky. She reported that neglect accounts for 75 percent of substantiated investigations into child maltreatment in Kentucky. Physical abuse makes up 15 percent of those cases. Sexual abuse accounts for 7 percent.

“By far, more children are impacted by neglect than physical abuse,” she said. “Neglect is very often related to income issues in a family, and certainly a poor state is much more likely to have a greater preponderance of neglect issues.”

In substantiated reports of maltreatment, caretakers had problems with substance abuse in 58.4 percent of the cases, mental health issues in 4.27 percent of the cases, domestic

violence problems in 65.1 percent of the cases and income difficulties in 75.7 percent of the cases, Wilson said. Two or more risk factors are present in 75.2 percent of the cases.

“If there was one place we were going to invest resources to make a difference in the lives of children and make a difference in cases of abuse and neglect, it would be in the treatment of substance abuse,” Wilson said. “... The lack of affordable and accessible treatment for substance abuse is tremendous. ... What we’re left with are parents that we know had a problem with substance abuse, but we have no way of offering them the treatment to try to remedy that situation.”

Rep. Darryl Owens, D-Louisville, asked what resources Wilson’s department needs to keep children safe. “I’m of the strong opinion that we don’t fund you sufficiently. Obviously the number of front line workers that you have is not sufficient to do the job.”

Wilson replied that, despite tight economic times, she has still been able to hire staff in recent years. “What we don’t have much of today that we had two years ago are the community resources that provide supportive services to families and in turn support our staff as well.”

Sen. Julie Denton, R-Louisville, co-chair of the committee, said

some social workers she has spoken with say they are overloaded with cases and paperwork. “They feel like there’s a lot of busy work that’s really not allowing them to spend the time on the case in a quality way that would give better outcomes ... I would like to challenge you to take a look at the things they have to do now, and what is it that’s essential, and what you can take off their shoulders. I know that I’ve got some really dedicated workers back in my district. They’re very passionate about

what they do, but they just feel beat down... They need some relief.”

Wilson said some of the additional requirements put on staff in recent years have been directives from the federal government. Still, she noted that the past year’s review of child fatality cases showed some duplication, which is being eliminated by encouraging workers to gather everyone needed for a conference about a case rather than having the identical conversation repeatedly with different individuals.

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## Horses, from page 1

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Thoroughbred winners from Kentucky are expected to receive about \$11 million in 2011 incentives for races won in 2010.

is authorized by participating states to license pari-mutuel horse racing on a national level.

“Do we have any idea of the impact that’s going to have on our racetrack in Northern Kentucky?” asked Keene. That, Underwood said, is hard to tell.

“I can tell you if you look at our biennial report ... our race dates have been declining anyway, and our purses have been declining, and so have our handle,” she said.

Underwood added that part of the KHRC’s legislative agenda for 2011 will be to work on the National Racing Compact. Kentucky is a member of the Compact which, according to the Compact’s web site, is an interstate governmental entity that

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# Payday lending database accomplishing its mission

by Chuck Truesdell  
*LRC Public Information*

A 2009 bill aimed at enforcing state provisions on payday lending is already reaping benefits, lawmakers learned during an Oct. 26 meeting of the Interim Joint Committee on Banking and Insurance.

House Bill 444 authorized a statewide electronic database to track payday loans, known formally as deferred deposit transactions. To receive the loans, borrowers must write a post-dated check to the lender for the full amount of the loan, plus any associated fees up to a maximum of \$15 per \$100 borrowed.

Borrowers have been limited to two loans totaling no more than \$500, but until the creation of the database, lenders have relied on the borrower’s word that they have not exceeded the

limit, and there has been no way for state banking officials to track and enforce the limit.

The database came online on April 30, two months ahead of schedule, Department of Financial Institutions Commissioner Charles Vice told committee members. The drop in payday loans between in April and May was dramatic, with a 27 percent drop in loans issued and 52 percent of all applications rejected because they exceeded the limit.

“The database did what it was supposed to do,” Vice said. The number of transactions per borrower, per month, decreased from an average of 2.05 per month in April to 1.62 in September.

The impact of the database is enhanced because it is continually updated, closing one loophole lawmakers feared.

“That’s the power of the database,” Vice said. “It is real-time, it is live, it updates itself as the transaction is completed” so that borrowers cannot get multiple loans from different lenders before the database is updated.

The database is funded by a \$1 fee on each payday loan, of which half goes to DFI and half goes to the database administrator.

One loophole that remains, however, is that other states have their own regulations and borrowers can exceed the Kentucky limit by using out-of-

state lenders. “We’d have no jurisdiction on that,” committee co-chair Sen. Tom Buford, R-Nicholasville, said. Around 20,000, or 12 percent of all borrowers, list a non-Kentucky home address, Vice said.

Committee Co-Chair Rep. Jeff Greer, D-Brandenburg, said he was glad to see that HB 444 was achieving its aim and that DFI had worked so quickly to get the database going. “It is refreshing to see that everything we have tried to accomplish with the database is being accomplished.”

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## 2011 “Issues” book available

A book containing issue briefs on topics likely to confront lawmakers during the Kentucky General Assembly’s 2011 session is now available in print and online.

“Issues Confronting the 2011 Kentucky General Assembly” can be viewed online at: <http://www.lrc.ky.gov/lrcpubs/IB233.pdf>. Copies can also be picked up at the LRC Publications Office in the State Capitol, Rm. 83.

The Kentucky General Assembly’s 2011 session begins on Jan. 4.



# 2011 Regular Session Calendar

2011 REGULAR SESSION CALENDAR  
(Approved by LRC Co-Chairs 9/1/10)

## JANUARY – PART I

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 Part I Convenes (1)	5 (2)	6 (3)	7 (4)	8
9	10	11	12	13	14	15
16	17 Martin Luther King, Jr. Day	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Denotes break between Parts I and II. Bill drafts may be requested during this period for introduction when Part II convenes.

## FEBRUARY – PART II

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Part II Convenes (5)	2 (6)	3 (7)	4 Last day for new bill requests (8)	5
6	7 (9)	8 (10)	9 (11)	10 (12)	11 Last day for new Senate bills (13)	12
13	14 Last day for new House bills (14)	15 (15)	16 (16)	17 (17)	18 (18)	19
20	21 Presidents' Day HOLIDAY	22 (19)	23 (20)	24 (21)	25 (22)	26
27	28 (23)					1

( ) Denotes Legislative Day

## MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 (24)	2 (25)	3 (26)	4 Commence (27)	5
6	7 Commence (28)	8 VETO	9 VETO	10 VETO	11 VETO	12 VETO
13	14 VETO	15 VETO	16 VETO	17 VETO	18 VETO	19
20	21 (29)	22 SINE DIE (30)	23	24	25	26
27	28	29	30	31		

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# Committee Meetings

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### INTERIM JOINT COMMITTEE ON AGRICULTURE

#### Minutes of the 5th Meeting of the 2010 Interim

November 10, 2010

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Agriculture was held on Wednesday, November 10, 2010, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Tom McKee, 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, Vernie McGaha, Dorsey Ridley, Kathy W. Stein, Damon Thayer, and Ken Winters; Representatives Royce W. Adams, John "Bam" Carney, Mike Cherry, James R. Comer Jr., Mike Denham, C. B. Embry Jr., Richard Henderson, Charlie Hoffman, Terry Mills, Brad Montell, Fred Nesler, David Osborne, Sannie Overly, Don Pasley, Tom Riner, Steven Rudy, Kent Stevens, Wilson Stone, Tommy Turner, and Ken Upchurch.

Guests: Craig Maffet, Chief of Staff, Jason Glass, Metrology Lab, and Mac Stone, Kentucky Department of Agriculture; Roger Thomas, Executive Director, and Joel Neaveill, Chief of Staff, Governor's Office of Agricultural Policy; Dr. Scott Smith, Dean, and Dr. Nancy Cox, Associate Dean for Research, UK College of Agriculture; Mark Haney, President, and Jeff Harper, Director of Public Affairs Division, Kentucky Farm Bureau; Adam Barr, President, Community Farm Alliance (CFA).

LRC Staff: Tanya Monsanto, Lowell Atchley, Biff Baker, Tom Middleton, Graduate Fellow, and Susan Spoonamore, Committee Assistant.

The October 13, 2010 minutes were approved, without objection, upon motion made by Representative Nesler and seconded by Representative Pasley.

The Subcommittee Reports for Rural Issues and Horse Farming were approved, without objection, upon motion made by Senator Thayer and seconded by Representative Denham.

Legislative Proposals for the 2011 Session

Craig Maffet, Kentucky Department of Agriculture, recommended the following statutory changes or modifications:

(1) Cap the ceiling for bonding

grain dealers at \$1 million

(2) Allow the metrology lab to establish fees by statute rather than putting the authority in the budget bill

(3) Adopt federal ASTM standards for propane and kerosene

(4) Allow the department to negotiate penalties for violations of motor fuels laws

In response to questions, Mr. Glass stated that the department is aware of the locations that sell motor fuels, propane, and kerosene, and that it would work with industries regarding regulations for propane and kerosene.

Roger Thomas and Joel Neaveill, Governor's Office of Agricultural Policy, discussed some of the programs administered by the office. Mr. Thomas stated that GOAP had just finished implementing changes to the makeup of county councils as set out in 2009 Senate Bill 83. He also said that disaster assistance had been approved for 91 counties affected by drought, and that an Executive Order had been issued exempting some size restrictions on trailers transporting certain agricultural products such as hay.

Mr. Thomas also discussed using county agricultural investment program funds for the removal of dead animals. He suggested that those funds could be used as a temporary solution to the problem of dead animal disposal as the state explores other options. He hoped that counties would partner with local governments or create regional dead animal disposal programs to fund their programs.

Mr. Neaveill explained that the Kentucky Agricultural Finance Program has loaned over \$38 million in low interest rates for 2009.

Mr. Thomas said that the GOAP's energy program received \$2 million in federal stimulus funds for energy-related issues. There have been a total of five energy field days in addition to an Energy Symposium.

Dr. Scott Smith and Dr. Nancy Cox, UK College of Agriculture, informed the members that the Diagnostic Center has been renamed the UK Veterinarian Diagnostic Lab. Dr. Smith also stated that the college appreciated the funding it received for upgrading some of the 4-H facilities, but that budgets cuts have affected filling vacant positions and has forced the college to defer maintenance on its farms.

Mr. Mark Haney and Mr. Jeff

Harper, Kentucky Farm Bureau, stated that the KFB had reached a milestone with their membership. For the first time, the KFB has exceeded 500,000 members. Mr. Haney explained that KFB had not yet considered legislative issues, but would decide on their issues at their annual meeting in December. He did say that several hundred resolutions had been submitted by the various county Farm Bureau offices, including resolutions relating to dead animal disposal, the makeup of the State Board of Agriculture, and preserving agriculture's 50 percent of the Master Settlement Agreement funds.

Mr. Adam Barr, Community Farm Alliance, discussed some of his group's thoughts regarding agriculture. CFA supports protecting the intent of HB 611, which is to promote the farmer. It also feels that it is important to promote agriculture education, clean energy policies, and farm profitability.

Mr. Barr also stated that his business of providing healthy food to consumers continues to grow. Tricia Houston, also with the CFA, stated that in northern Kentucky they cannot keep up with the demand for fresh food. She is hopeful that a planned Northern Kentucky Agriculture Center will be developed. She also stated that mentoring programs to help young and beginning farmers would be helpful in promoting agriculture.

Mr. Mac Stone, Kentucky Department of Agriculture, gave an overview of the Kentucky Milk Commission report. He discussed the status of the milk industry and the activities that the commission has undertaken since its creation.

There being no further business, the meeting was adjourned.

### INTERIM JOINT COMMITTEE ON AGRICULTURE

#### Subcommittee on Rural Issues

#### Minutes of the 1st Meeting

of the 2010 Interim

November 10, 2010

Call to Order and Roll Call

The 1st meeting of the Subcommittee on Rural Issues of the Interim Joint Committee on Agriculture was held on Wednesday, November 10, 2010, at 10:00 AM, in Room 131 of the Capitol Annex. Representative Mike Denham, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Vernie Mc-



Gaha, Co-Chair; Representative Mike Denham, Co-Chair; Senator David Givens; Representatives John "Bam" Carney, Mike Cherry, James R. Comer Jr., C. B. Embry Jr., and Terry Mills.

Guests: Dr. Alison Davis, Department of Agricultural Economics, University of Kentucky; Robert Finch, Farm Programs Chief, USDA-FSA and Mitch Whittle, Farm Loan Chief, USDA-FSA.

LRC Staff: Biff Baker, Stefan Kasacavage, Tom Middleton, Graduate Fellow, and Susan Spoonamore, Committee Assistant.

Update on State of the Rural Economy in Kentucky

Dr. Alison Davis, Associate Extension Professor at the University of Kentucky, Department of Agricultural Economics, spoke about the current state of the rural economy in Kentucky and economic development strategies for rural communities. Kentucky ranks in the bottom ten nationally in per capita income, which is partially attributable to the lower earnings of our rural residents compared to both urban residents in Kentucky and rural residents of other southern states. Rural areas in Kentucky also suffer from low numbers of residents with high school degrees, with many counties in eastern and south-central Kentucky having only about 60 percent of residents with high school degrees. Rural areas of eastern and south-central Kentucky also have as many as 45-60 percent of working age (18 to 64 year old) males not in the labor force. This percentage, which does not include the unemployed who are seeking employment, may be due to policies that unintentionally incentivize staying out of the workforce. Widespread drug use in rural areas of Kentucky has also limited applicant pools for the jobs that are available. Nevertheless, in recent years rural counties have begun to make improvements in income growth, education, and poverty rates, and it does not appear that the recent economic downturn has been any more severe in rural areas of the state than in urban areas.

Dr. Davis suggested several strategies to address some of the problems rural Kentuckians face. First, it is important to distinguish between rural and agricultural policy. Historically, agriculture has been a dominant force in the rural economy and it continues to be a very important component. However, the current problems that rural Kentuckians face are distinct from agricultural issues, so distinct policies should be considered to address these problems. Additionally, rural economic development should focus more on investment and less on spending. A higher proportion of federal funds are used on spending for social security,

disability, and welfare benefits in rural areas as opposed to urban areas, but this spending does not increase the long term competitiveness or economic capacity of an area in the same way as investments in public infrastructure, healthcare, and education do.

Another strategy for rural economic development is to focus on retention and expansion of existing employers in rural communities. Often times, too much emphasis is placed on creating incentives to lure new employers to rural areas while existing employers' needs are ignored. Research has shown that growing existing businesses can be more economically beneficial to rural communities over the long

term than the recruitment of new businesses. Dr. Davis further suggested that increasing the availability of health care, using regional economic planning, and implementing a more cooperative framework for rural development were all important strategies for improving rural communities in Kentucky.

In response to a question from Co-Chair Denham, Dr. Davis stated that the Community & Economic Development Initiative of Kentucky (CEDIK) is the group of University of Kentucky faculty who work with rural communities on economic development initiatives. The first session of a rural economic development initiative usually entails a smaller group of CEDIK members meeting with community and business leaders to determine the needs of the community and the goals of the initiative.

Representative Embry commented that he represented a rural area and he agreed with Dr. Davis's suggestion that rural communities engage in regional economic development plans instead of trying to engage in the recruitment of outside businesses alone.

In response to a question from Representative Carney, Dr. Davis stated that she would enjoy any opportunity to speak to public school students to explain the landscape of the economy in their communities and what jobs were available there.

In response to a question from Co-Chair Denham, Dr. Davis said that she was unsure of how the rural economy will change in Kentucky over the next 10 years. On one hand, she was skeptical of the current enthusiasm for green jobs and the buy-local movement and how these initiatives can be integrated into rural economies in a sustainable way. However, she stated that she was optimistic about the future of regional economic development planning in rural communities and the positive results that will accrue.

In response to a question from

Co-Chair McGaha, Dr. Davis stated that she believed that some of the tobacco settlement money could have been spent in a more community investment-oriented way in rural areas of Kentucky. Co-Chair McGaha replied that it was important that individual producers received their share of the tobacco settlement money, because they needed that money for sustenance.

In response to a question from Representative Carney, Dr. Davis stated that some of the data contained in her presentation was from the 2000 Census, and that it would not be possible to update some of the data, because the 2010 Census did not ask many of the same questions posed in the 2000 Census.

In response to a question from Representative Cherry, Dr. Davis said that the data on males not in the labor force in her presentation came from census data. She believed that the census counted people who were not receiving a paycheck as "not in the labor force". This number did not include the unemployed who were actively seeking employment.

In response to a question from Representative Mills, Dr. Davis stated that in the eastern part of the state, a good portion of the males not in the labor force were receiving some sort of federal assistance, whether it be from social security, supplemental security, or disability payments.

Current USDA Farm Service Agency Programs in Kentucky

Robert Finch, Farm Programs Chief for the USDA-FSA, spoke about the conservation and farm subsidy programs administered by the FSA. The FSA is currently working on new initiatives on biofuels and bioenergy, including rolling out the second phase of the Biomass Crop Assistance Program (BCAP) that provides assistance to producers for the establishment and cultivation of biomass crops. In the first phase of BCAP, some money has already been paid to Kentucky processors of wood products for production of bioenergy. The second phase of BCAP funding will be used to offset some of the costs of transporting the biomass as well as paying for up to 75 percent of the cost of establishing a perennial biomass crop within an approved project area. Many believe that Kentucky is an ideal place to grow some biomass crops, and hopefully BCAP can be used to remove some of the barriers to establishing these crops in Kentucky.

Mr. Finch stated that the latest sign-up periods for the Direct and Counter-cyclical Program (DCP) and Average Crop Revenue Election Program (ACRE) will begin soon. The Tobacco Transition Program Payments (TTPP) will be winding down in the

next few years, but another payment will be made in January 2011. The signup period for the Conservation Reserve Program has just ended and the first payments for that program will be made in October 2011.

In response to a question from Co-Chair McGaha, Mr. Finch stated that the biomass transportation assistance provided by USDA was not only for wood products, but for any biomass product. There must be a contract with an approved facility to process and purchase the biomass in order to be eligible for the program.

In response to a question from Senator Givens, Mr. Finch stated that he believed that the land enrollment portion of BCAP would continue to be funded in the 2012 Farm Bill, but that other changes may be possible.

Mitch Whittle, Farm Loan Chief for the USDA-FSA, discussed the farm loan programs administered by the FSA in Kentucky. The FSA loaned almost \$125 million to Kentucky producers in fiscal year 2010 (October 2009 to September 2010). Kentucky is ranked in the top ten nationally in six farm loan program categories. For direct loans made by the FSA in Kentucky, the delinquency rate was less than a 3 percent and the loss rate was 0.1 percent as of September of this year. For guaranteed loans, the delinquency rate was 1 percent, and the loss rate was 0.2 percent. The 2008 Farm Bill raised the direct loan limits on farm ownership and farm operating loans to \$300,000 per owner or operator. Kentucky FSA also leads the nation in youth loan borrowers from the direct farm operating program. The Conservation Loan Program began in September and allows any farmer with a conservation plan to get a loan to promote conservation practices. Direct emergency loans are available to disaster victims, including victims of tornadoes, floods, and the recent drought. On November 3, Secretary Vilsack designated 63 counties in Kentucky as Primary Natural Disaster Areas due to the continuing drought conditions in those areas. Those counties and 28 contiguous counties are now eligible for emergency loan (EM) assistance and for payments through the Supplemental Revenue Assistance Payments (SURE) Program.

In response to a question from Co-Chair Denham, Mr. Whittle stated that the delinquency and loss rates for the loans issued under the various FSA loan programs had been very low.

Co-Chair McGaha commented that he appreciated the good work that Mr. Whittle and the FSA had done for his constituents.

There being no further business, the meeting was adjourned.



## INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 7th Meeting  
of the 2010 Interim  
December 6, 2010

Call to Order and Roll Call

The seventh meeting of the Interim Joint Committee on Education was held on Monday, December 6, 2010, at 12:30 PM, in Room 154 of the Capitol Annex. Senator Ken Winters, 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 Jimmy Higdon, Vernie McGaha, R.J. Palmer II, Tim Shaughnessy, Johnny Ray Turner, and Jack Westwood; Representatives Linda Belcher, John "Bam" Carney, Hubert Collins, Leslie Combs, Jim DeCesare, C. B. Embry Jr., Bill Farmer, Tim Firkins, Kelly Flood, 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, and Addia Wuchner.

Legislative Guests: Representatives Arnold Simpson and Susan Westrom.

Guests: Charlotte Beason, Executive Director, Nathan Goldman, General Counsel, and Patricia Spurr, Educational Consultant, Kentucky Board of Nursing; LuAnn Asbury, Kentucky Education Association; Jen Bolero, C. Benedict, and Frances Short, Public Protection Cabinet; Jim Thompson, Education and Workforce Development Cabinet; Clyde Caudill, Kentucky Association of School Administrators and Jefferson County Public School System; and Scott Douglas, Kentucky Association of School Superintendents.

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

Approval of Minutes

Upon a motion by Representative Collins, seconded by Representative Richards, the minutes of the November 8, 2010, meeting were approved by voice vote.

Review of Executive Orders

Dr. Terry Holliday, Commissioner, Kentucky Department of Education (KDE) explained Executive Order (EO) 2010-856 relating to the Reorganization of the KDE. He said the reorganization of the KDE was necessary to create an agency that is more streamlined and efficient and to help provide services more effectively. The reorganization will allow KDE to address priorities related to 2009's Senate Bill 1 and other legislative mandates and the Kentucky Board of Education's (KBE) strategic plan. The recurring annual savings will result in \$500,000 and the KDE is focused on

key work for the future.

In response to a question from Representative Embry, Dr. Holliday said the reorganization does not change the status of Family Resource Youth Service Centers (FRYSCs).

In response to a question from Representative Stone, the commissioner said the Division of Career and Technical Education was temporarily made into a branch. He said it was integrated into the Office of Next Generation Schools and Districts in order to elevate its status. The Governor's Task Force will possibly make recommendations to ensure that Career and Technical Education is elevated and integrated.

In response to questions from Representative Collins, Dr. Holliday said the reorganization of the division of Career and Technical Education in no way diminishes the significance of the career and technical schools. He said the KDE has recommended to the KBE as part of the new accountability model to measure and rate school systems on the percentage of students that become career ready in addition to those that meet college ready standards based on the ACT. He noted the 54 area technology centers fall under the purview of the Workforce Development Cabinet. The matter of combining the systems should be reviewed by the General Assembly in the 2011 session. Representative Collins noted on record that he is strongly opposed to the career and technical schools being controlled by the local boards of education. He said the local boards of education may cut these types of programs when budgets constraints arise.

Dr. Holliday said there were over 600 KDE positions in the early 2000s and currently there are a little over 300 positions based in Frankfort. Mr. Hiren Desai, Associate Commissioner, Office of Administration and Support, KDE, said a hiring freeze was enacted in August 2010 due to budget cuts. He said positions went from 611 filled positions to 541 as a result of the hiring freeze. Dr. Holliday noted that KDE is hindered by the 40 percent reduction in staff and said some job duties that were performed in the past will have to be eliminated. He said Senate Bill 1 and regulatory legal requirements are being accomplished with diminished staff. KDE will compile a list of job duties that are not being completed due to decreased staff and will disseminate to the Interim Joint Committee on Education (IJCE) members in the near future.

In response to questions from Representative DeCesare, Dr. Holliday said the reorganization will not have any effect on community education. He did not know how many KDE staff

currently earn over \$100,000 a year, but will find out and get the information to Representative DeCesare. KDE loses high quality people at the management level to school districts who pay on average 20 to 30 percent more than at the department level.

Senator Higdon commended Dr. Holliday on elevating the status and importance of career and technical education. He said every student has a gift and this is an important avenue for many students to enter and be successful in the workforce.

Representative Richards said many are concerned about the role of career and technical education. Vocational education should be integrated into the curriculum and funding should not be reduced. The Workforce Development Cabinet, the KDE, and the co-chairs of the IJCE should work together to elevate secondary vocational education in Kentucky.

In response to a question from Senator McGaha, Mr. Desai said out of the 541 KDE employees, 325 are based in Frankfort. He said the remainder of staff are based at the Kentucky School for the Deaf in Danville and the Kentucky School for the Blind in Louisville.

In response to a question from Representative Belcher, Dr. Holliday said the Division of Exceptional Children will be moved to the Office of Next Generation Schools and Districts. He said Larry Taylor will remain in charge of special education services and this remains an integral part of the system.

Mr. Ryan Green, Executive Director, Office of Budget and Administration, explained EO 2010-927 relating to the Reorganization of the Governor's Scholars Program. The executive order transfer the Governor's Scholars Program from the Office of the Governor to the Office of the Secretary for the Education and Workforce Development Cabinet to implement more effective and efficient management of state government operations. There is no fiscal impact associated with the reorganization.

In response to a question from Representative Stone, Mr. Green said the reorganization would not result in fewer students receiving the Governor's Scholarship awards.

Special Recognitions

Senator Winters made comments and honored the service of Senator Elizabeth Tori. Representative Rollins made comments and honored the service of Representatives Moberly, Siler, Firkins, Stevens, and Sims. Representative Carney moved to accept the resolutions, and Representative DeCesare seconded the motion. The resolutions were adopted by voice vote. Representative Siler shared comments about the

conditions of education in 1989 and the reasons behind his "yay" vote in 1990 for the Kentucky Education Reform Act (KERA). His specific remarks were distributed to members of the committee.

Status Report: Kentucky P-20 Data Collaborative

Mr. Joe Meyer, Secretary, Kentucky Education and Workforce Development Cabinet, said the P-20 data collaborative is a cooperative venture between the Council on Postsecondary Education (CPE), the Education Professional Standards Board (EPSB), and the KDE working through the Kentucky Education and Workforce Cabinet. Agencies are working under a memorandum of agreement and it requires that high level governance decisions be made by unanimous consent. The collaborative's goal is to create a shared repository, which is a tool that would allow each agency to use the data that is generated by each agency more efficiently. The overall goal of the collaborative is to improve student success, teacher preparation, college readiness, and college success through the effective use of quality data. Funding for the initiative is through a \$9 million grant from the United States Department of Education for a three-year period that expires in the spring of 2012.

Mr. Charles McGrew, Executive Director, Kentucky P-20 Data Collaborative, said the purpose of the P-20 data collaborative project is to provide better, more timely information to inform policy makers than has ever been available before. It will provide a secure way to link data across agencies and to show a more complete picture. It will identify the state's critical policy questions and develop processes to answer them. Finally, it will provide policy makers and stakeholders the information they need in the format they need it to improve programs and services.

Mr. McGrew said other advantages of the P-20 data collaborative project include the lesser expense of bringing in data from agencies that do not have their own system and reporting tools. The linked data will show a more complete picture that will allow a broader impact of policies across agency boundaries. It will coordinate agreed metrics and terms instead of every office developing their own definition of things like "college readiness" and "student success." He said it will also cut down on duplicate efforts to collect and maintain data.

Mr. McGrew said the project needs to seek additional federal funds to offset some staffing costs, expand the infrastructure, and add new data sources. There are currently no funds earmarked to sustain the system past



March of 2012.

In response to questions from Representative DeCesare, Mr. Meyer said the P-20 data collaborative project is housed within the Education and Workforce Development Cabinet. Mr. McGrew said the significant cost of continuing the project will be staffing which is estimated at \$800,000 a year.

In response to a question from Representative Moberly, Mr. McGrew said the costs associated with the project are operating budget expenses and not capital issues. Representative Moberly said data collection is essential. Secretary Meyer said it was a priority for the cabinet.

In response to a question from Senator Westwood, Mr. McGrew said school systems can receive data on former students at no additional cost. The information will not be student specific.

Representative Rollins said this project needs to be fully funded in the future. He said the data is critical and all parties need to be fully cooperative.

In response to a question from Senator Shaughnessy, Mr. McGrew said no new data is being collected. This is matching data that is already collected by each agency that is going to incur the cost. The \$800,000 is a new cost for providing technical staff and researchers to the P-20 data collaborative.

In response to a question from Senator McGaha, Mr. McGrew said no data is currently collected from proprietary schools. He said he would like to form a partnership with the Kentucky Higher Education Assistance Authority in the future because they do obtain information about students at for profit institutions. Senator McGaha feels this data is very important moving forward. He said students' interests should be guarded in relation to retention and graduation rates at proprietary schools.

In response to a question from Senator Winters, Mr. McGrew said a major focus in the future will be identifying critical questions on what information to collect.

Proprietary Education in Kentucky: Governance and Consumer Issues

Dr. Charlotte Beason, Executive Director, Mr. Nathan Goldman, General Counsel, and Ms. Patricia Spurr, Education Consultant, Kentucky Board of Nursing, presented information regarding the procedures used by the Board of Nursing in the approval of programs and ensuring program quality after initial approval. Dr. Beason said the Kentucky Board of Nursing is an agency of the Commonwealth of Kentucky, governed by the Nurse Practice Act. The Board is

a separate and distinct entity from any professional association. The Board is self-supporting through fees assessed for professional licensure.

Dr. Beason said the board's job is to protect public health and welfare by developing and enforcing state laws governing the safe practice of nursing. The board takes this responsibility very seriously. She explained to the committee the process of the State Board of Nursing's program approval procedure, including initial approval, oversight and renewal of approved programs, how the board becomes aware of program quality issues, and what actions are taken to ensure program quality is maintained. She also explained how existing students may be affected when programs are identified as deficient, placed on probation, or close. Tremendous financial and emotional burdens are placed upon students when families make sacrifices and no degree or better employment is obtained due to a program closing or employers not recognizing the degree from a particular school.

In response to questions from Senator Winters, Dr. Beason said any school that prepares prelicensure nursing students comes under the purview of the Board of Nursing. The Board of Nursing has oversight whether it is a public, private, or proprietary school. Additional responsibilities were mandated in the 2010 legislative session relating to post-graduate education as well. Schools are reviewed annually similar to the National League of Nursing. The Board of Nursing collaborates with accrediting entities. Each school receives a status report at the end of each year.

In response to questions from Representative Rollins, Dr. Beason said a school offering a quality education should have no fewer than 15 percent of its graduates to fail the licensure exam the first time they take it. The Board of Nursing expects an 85 percent pass rate. Ms. Spurr said they do not visit any school they receive complaints about unless they are in specific violation of a regulation. She calls the program administrator if the complaint is more than just a disgruntled student. Dr. Beason said the board voted to close one program four years ago, but the decision was overturned in circuit court.

In response to questions from Senator McGaha, Dr. Beason said there are currently no schools on probation and none of the proprietary schools are nationally accredited. She said this could be due to cost and rigor of becoming nationally accredited.

Dr. Beason said the Board of Nursing does not pay for the advertisements published in the Board of

Nursing magazine. These are paid for by a publishing company even though the Board of Nursing name is on the ad. The board was given a legal opinion that it must accept these advertisements, and it is trying to determine what schools can place an advertisement in their magazine as this has been a longstanding concern. The magazine was the board's official notification as mandated in statute. Senator McGaha said the official notification could be in a different manner than the magazine with misleading advertisements. Mr. Goldman said he did not know if the board could be challenged in court if it only allowed nursing programs that had been approved to place advertisements in its magazine.

In response to questions from Representative Graham, Ms. Spurr explained the faculty requirements for teachers crossing state borders and teaching nursing at a Kentucky university. Teachers from surrounding states must be licensed in Kentucky and meet all Kentucky requirements. In addition, a master's degree is required to teach a RN course or a bachelor's in nursing with the understanding to complete a master's degree within five years. Teachers from out of state also need two years of clinical experience.

In response to a question from Representative Miller, Dr. Beason said all student complaints are followed up on, however some result in a focused survey and some do not. She said complaints from faculty can result in a private meeting with the board.

In response to questions from Representative Wuchner, Ms. Spurr said the Board of Nursing website lists all schools and contact numbers. The website also shows geographic locations of the schools because so many students want to attend a school close to home. Representative Wuchner would like to see the advertisements in the magazines stopped for schools that are not approved. Dr. Beason said the board takes the action of shutting down a program very seriously and realizes that it impacts the lives of citizens.

Senator Winters cut off questions due to time constraints. Dr. Beason said she would be happy to answer any additional questions that she receives in writing.

The presentation regarding the Kentucky State Board for Proprietary Education was given by Mr. Mark Gabis, Chair, Mr. Ryan Halloran, Assistant Attorney General, and Frances S. Short, Executive Director, Office of Occupations and Professions. The Office of Occupations and Professions serves as administrative support to the board. Mr. Gabis said the

purpose of the State Board for Proprietary Education is to administer and enforce the statutory authority and to monitor the needs of the consuming public. The board licenses all eligible schools under its jurisdiction. It recommends appropriate changes in the law to assure fairness and equality. The board conducts formal hearings when necessary and prosecutes by due process any violators of KRS 165A. The board is a self-supporting agency and receives no general fund tax appropriation. It is funded entirely through fees assessed for licensing its institutions.

Mr. Gabis said a complaint may be submitted by an individual, organization, or entity and is heard by a complaint committee established by the board chair and made up of one school representative and two members at large. There is usually an assistant attorney general present at the meeting when the complaint is reviewed. The complaint committee reviews complaints, conducts informal proceedings, and makes recommendations for disposition of complaints to the full board. The full board reviews the complaint committee's recommendations and determines whether to dismiss the complaint or proceed with a formal investigation, which may also include judicial action. Mr. Gabis said funding for the board is obtained through licensure fees. Fees have not increased in the last ten years. The student protection funds for student claims when a school closes are also funded by users. The funding revenue has been around \$190,000 the last two years. Expenses for the board per year are approximately \$200,000. The largest expense is for administrative fees paid to the Office of Occupations and Professions. Other expenses of the board include: the per diem of \$100 a day in travel expenses for board members; fees and expenses paid to the board's inspector or investigator; attorney fees paid to the attorney general's office for legal services rendered by an assistant attorney general for attendance to meetings, and drafting regulations, letters, and legal opinions.

Mr. Gabis said all statutes, regulations, and forms for the board are easily accessible at the board's website [www.bpe.ky.gov](http://www.bpe.ky.gov). The process for filling out a complaint form or an appeal is on this website. There is no fee for filing a complaint. The regulations require that the complaint is verified. There is \$500,000 in the student protection fund. Over the past five years, the board has paid \$15,000 in claims.

Mr. Gabis said the board meets once a month typically for three to six hours. Most of the board's time at meetings is spent on reviewing ap-



plications and notifications. Schools are visited that are in frequent violation of statute rather than other schools who are compliant. Four of the 130 licensed proprietary schools are accredited. The only schools that are licensed are institutions that offer no higher than an associate degree. About 30 percent of students attend a proprietary school.

Mr. Gabis explained the procedures used before initially licensing an institution and the periodic review procedures for licensed institutions. He also explained how the board deals with informal complaints such as letters, emails, and telephone calls as opposed to formal complaints using forms required by administrative regulations. Board members reported that it is very rare to receive an informal complaint. If they receive one, the students are directed to the website to fill out the complaint form or a form is mailed to them if they do not have access to a computer.

In response to questions from Senator Winters, Mr. Halleran said the attorney general's office represents about forty boards. The boards are billed \$100.00 an hour for receiving legal advice, time spent attending meetings, and drafting regulations. If litigation is required either in or out of court, the board is billed \$125 an hour. Members can remove themselves from the board if the attorney general is asked to investigate the board. Mr. Gabis said one school board member is currently missing from the board. Senator Winters said the board membership raises some questions because most of its members are employed in proprietary schools.

In response to questions from Senator McGaha, Mr. Gabis said the board has not been audited in about twelve years and he does not see a reason for an audit. He said the feasibility of conducting an audit would be on the agenda for the January 2011 board meeting. He will review the minutes and report how many times he has been elected as chair since 2008. The statute requires annual elections, but this is not always typical. Ms. Short said financial expenditures are available from over three years ago, but they have supplied financial documents for the past three years.

Mr. Gabis said \$225,000 was moved from the operating budget to the student finance protection fund in 2007. He said \$14,000 was spent out of the fund in 2010 to pay out claims. Senator McGaha said \$225,000 is not very much protection for 19,000 students. He also noted that \$5,000 was spent in three months to revise the CDL requirements and only \$14,000 was spent

to protect the students in five years.

Mr. Gabis said the amount of capital a school has available is reviewed when an institution applies for a new school. He said cash on hand is one of the things the board looks at in determining if a school will be successful. Also, the schools submit information annually that staff reviews to ensure the school is financially sound. He noted low claims against the student protection fund assured the board that how they had been conducting business since 1976 was working. A letter of admonishment is sent to schools to let them know if they are doing something inappropriate. The case is under review that claimed unqualified people were teaching courses. Upon appeal, the board decided it needed more facts. Senator Winters said he is concerned because the statute reads that students are only protected if a school closes, and not a program. Mr. Gabis said that schools tend to close, but programs do not. If a school has a program that closes, it must take care of the students who were enrolled in the program in order to remain open.

In response to a question from Representative Rollins, Mr. Gabis said the board has a contract with an investigator who interviews faculty and students when investigating a complaint. Representative Rollins said there may be legislation drafted to correct the board being made up of primarily people who work in proprietary institutions.

In response to a question from Representative Collins, Mr. Gabis said the complaint review committee reviews all complaints and makes recommendations to the board. If the school does not agree with the finding, they can request a hearing in front of the full board excluding the people who originally reviewed the complaint, or a hearing officer may be requested. Mr. Gabis said schools have been fined, but never closed. He did not have the investigator's qualifications that investigated the closed Commercial Driver's License (CDL) school.

Ms. Jan Gordon, Executive Director, and Mr. Grover Potts, General Counsel, Spencerian College, presented a fact sheet for Spencerian College. A copy of the fact sheet can be located in the meeting materials in the Legislative Research Commission (LRC) library.

Ms. Gordon said Spencerian College believes in providing quality training and is responsive to student concerns and/or complaints. She said every college has a few disgruntled students. Spencerian college graduates in the audience did not get to speak due to time constraints. She said employers and school represen-

tatives from across the state were there in support of Spencerian College.

Ms. Gordon said Spencerian College has trained 621 students who have passed their exam and have become licensed registered nurses since 2002. This is an overall pass rate of 93 percent. There was a 96 percent pass rate in 2009 in the practical nursing program. Students must complete a LPN program at Spencerian before enrolling in an associate degree program. The majority of students are working females who are trying to balance families, college, and jobs at the same time.

Ms. Gordon said Spencerian College prepares students for a successful career from the time of their enrollment but cannot guarantee employment. The college makes every effort to assist with the job search process by providing contacts, guidance, and direction as well as lifetime placement assistance. Students have tuition lock-in, which guarantees that students' tuition will not increase as long as they stay continuously enrolled. Students can also repeat courses one time without additional tuition if they are in good standing with the college. These are unique programs specific to Spencerian College.

In response to a question from Representative Rollins, Ms. Gordon said the Kentucky Board of Nursing in Kentucky is one of three states that require a 85 percent pass rate. Every other state is 80 percent or less, and Spencerian College had a 81 percent pass rate for 2009. Representative Rollins said Kentucky is proud of having a higher standard than other states.

In response to questions from Representative Meeks, Ms. Gordon said Spencerian College has filed legal actions against a board. National data for proprietary schools is different than state data. Spencerian College's placement rate for the past year was 78 percent and the retention rate was 70 percent. She noted that private schools receive no federal or state funds for the construction of new facilities. This is one reason why tuition is higher at these schools than public universities.

Representative Miller said he has never heard of local employers not hiring Spencerian college graduates. He said he is proud of Spencerian College, and he used to serve on its board.

In response to a question from Representative McGaha, Ms. Gordon said she does see a problem with transferring credits from her institution to another school. The General Assembly could help with this problem by establishing a common course numbering system for all classes to

match at every school. The common course standards would make transferring credits easier for all students. Senator McGaha said the legislature has worked on this and will continue to look at it in the future. Ms. Gordon also assured Senator McGaha that she recuses herself from board meetings when complaints are being heard about Spencerian College.

Senator Winters said common course numbers would be a step forward, but will not fix all of the transfer problems until common assessments are adopted. The problem of students transferring credits among schools is bigger than just adopting common course numbers. He is committed to working on the issue until a resolution is found and welcomes suggestions from school officials or students.

Representative Embry said legislation may be drafted to deal with the proprietary board issues. His children were graduates of proprietary schools and have found good paying jobs in the workforce and have been very successful.

Adjournment

With no further business before the committee, the meeting adjourned at 3:50 p.m.

## **INTERIM JOINT COMMITTEE ON HEALTH AND WELFARE Minutes of the 6th Meeting of the 2010 Interim**

November 17, 2010

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Health and Welfare was held on Wednesday, November 17, 2010, at 1:00 PM, in Room 129 of the Capitol Annex. Representative Tom Burch, Co-Chair, called the meeting to order at 1:09 p.m., and the secretary called the roll.

Present were:

Members: Representative Tom Burch, Co-Chair; Senators Julian M. Carroll, Perry B. Clark, Denise Harper Angel, Joey Pendleton, Katie Kratz Stine, and Jack Westwood; Representatives Bob M. DeWeese, Brent Housman, Ruth Ann Palumbo, Susan Westrom, and Addia Wuchner.

Guests: Ben Keeton, Executive Director, Kentucky BioAlliance; Hugh Haydon, CEO, Kentucky BioProcessing; Steve Gailar, President, MetaCyte Business Lab; Gilda Hill, Executive Director, Thompson Hood Veterans Nursing Home; Therese Sirles, Director, Office of Child Advocacy, Norton Kosair Children's Hospital Foundation; Dr. Erin Frazier, University of Louisville Hospital; Andrew Hysell, Associate Vice President Policy and Advocacy, Save the Children; Lacey McNary, Deputy Director, and Andrea Plummer, Policy Analyst, Kentucky Youth Advocates; Dr. Stephen Church, President, Kentucky Chapter



of the American Academy of Pediatrics; Mark J. Royse, Executive Director, AVOL (AIDS Volunteers, Inc.); Mary Bishop, HIV/AIDS Clinical Pharmacist, Wings Clinic, Division of Infectious Diseases, Department of Internal Medicine, University of Louisville; Lou Kurtz, Acting Division Director, and Michelle Blevins, Assistant Division Director, Division of Behavioral Health, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services; Jodi Mitchell, Kentucky Voices for Health; Kraig Humbough, Department for Public Health, Cabinet for Health and Family Services; Eric Clark, Kentucky Association of Health Care Facilities; and Mary York, 124 Chapter of the AAD.

LRC Staff: Miriam Fordham, Ben Payne, Jonathan Scott, Gina Rigsby, and Cindy Smith.

#### Approval of the Minutes

A motion to approve the minutes of the October 20, 2010, meeting was made by Representative Housman, seconded by Representative DeWeese, and approved by voice vote.

#### Resolution

A motion to approve a resolution honoring the life of James D. Denton, was made by Representative Wuchner, seconded by Senator Pendleton, and approved by voice vote.

#### Consideration of Referred Administrative Regulations

The following referred administrative regulations were on the agenda for consideration: 201 KAR 22:020 – establishes the eligibility and application procedures for physical therapists and physical therapist assistants; 201 KAR 22:053 – establishes the code of ethical standards and standards of practice for Physical Therapists and Physical Therapists Assistants; 921 KAR 2:040 & E – establishes the procedures used to determine initial and continuing eligibility for public assistance programs, Kentucky Transitional Assistance Program (K-TAP), and State Supplemental Program for persons who are aged, blind, or have a disability; and 921 KAR 3:030 & E – establishes the application and the voter registration processes used by the Cabinet for Health and Family Services in the administration of the Supplemental Nutrition Assistance Program (SNAP). A motion to accept the administrative regulations was made by Representative DeWeese, seconded by Senator Harper Angel, and accepted by voice vote.

#### Legislative Hearing on the Community Mental Health Services Block Grant

Lou Kurtz, Acting Division Director, and Michelle Blevins, Assistant Division Director, Division of

Behavioral Health, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services, gave an overview of the block grant. A motion to accept the block grant was made by Representative DeWeese, seconded by Senator Clark, and accepted by voice vote.

#### Biotech in Kentucky

Ben Keeton, Executive Director, Kentucky BioAlliance, stated that biotechnology is technology based on biology, especially when used in agriculture, food science, medicine, and medical devices, any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use. The industry provides high-tech, high-paying jobs for Kentucky citizens. Hugh Haydon, CEO, Kentucky BioProcessing (KPB), stated that KPB is a service provider to the biotechnology industry specializing in plant made proteins. The company started in April 2006. Biotechnology for his company is the altering of normal gene expression in an organism by using recombinant DNA techniques. Since the company started, it has created 62 new jobs; employed seven doctoral scientists; has four separate new startup companies; received \$3 million in Helmsley Charitable funding for an endowed research position; has a broad patent and IP portfolio; has built a \$15 million building expansion; and has brought in over \$40 million to Kentucky. Steve Gailar, President and CEO, MetaCyte Business Lab, stated that MetaCyte was founded in 2002 by Jewish Hospital HealthCare Services, Inc., Norton Healthcare, Inc., University of Louisville Health Care, and the University of Louisville and is a health and life science incubator. Since 2002, MetaCyte staff has secured more than \$20 million in funding for its portfolio companies; created in excess of 40 high paying jobs; and facilitated the return of more than \$12 million to the universities for additional research. MetaCyte is now operating as a for-profit subsidiary of the University of Louisville Foundation. In partnership with the inventor and co-founder, MetaCyte creates, launches, and manages portfolio companies, acquiring an equity position in each. By avoiding a fee-for-service model, capital is freed up and directed to company growth. The MetaCyte team provides invaluable knowledge in areas critical to health science industry development, including research and development, business development, venture capital, biomedical engineering, marketing, finance, public relations, pharmaceutical industry management, entrepreneurship, business and intellectual property law, and ac-

counting. Challenges for the biotechnology industry include workforce development, capital, regulatory issues, and infrastructure.

In response to a question by Representative Burch, Mr. Gailar stated that in his opinion, America is ahead of other biotechnology companies worldwide. One concern is to not overburden the regulatory system.

#### Thomson Hood Veterans Nursing Home

Gilda Hill, Executive Director, Thomson Hood Veterans Nursing Home, stated that the center is a 285 bed facility located in Wilmore with an average of 260 residents. Eastern Kentucky Veterans Center is a 120 bed facility that opened in Hazard in 2002 with an average of 119 residents. The Western Kentucky Veterans Center is a 120 bed facility that opened in 2002 in Hanson with an average of 117 residents. Services provided to veterans in the facilities include 24-hour medical and nursing care, rehabilitation, nutritional, recreational therapy, social, laundry, transportation, spiritual, computers, and wireless internet access. The staff includes physicians, registered nurses, licensed practical nurses, a physical therapist and assistants, a speech therapist, an occupational therapist, nursing assistants, and support staff. The staff considers it an honor to care for the residents who have given so much for them and this country.

In response to questions by Representative Westrom, Ms. Hill stated that there is not a separate unit that specializes in mental illness and staffing ratios depend on the services needed by individuals. In response to questions by Representative Burch, Ms. Hill stated that the facilities have both state and federal inspections. The facilities receive very few deficiencies and each week the Quality Assurance Committee reviews patient charts to make sure patients are receiving all the services they need.

#### Pediatric Abuse Head Trauma Pilot Project

Therese Sirles, Director, Office of Child Advocacy, Norton Kosair Children's Hospital Foundation, stated that the passage of House Bill 285 was the catalyst for a pilot program implemented at three Norton Healthcare facilities to provide education to parents of newborns prior to discharge from the hospital about the dangers of shaking a baby. After orienting over 300 post partum and neonatal intensive care nurses to the curriculum for parental education, the program began in June of 2010. The curriculum, Portrait of a Promise, is a DVD developed by a physician that emphasizes that it is never alright to shake a baby. Portrait of a Promise is

the educational program of choice for healthcare facilities in New York state and has clinically shown to reduce pediatric abusive head trauma by 47 percent. Following the DVD presentation, nurses converse with parents to reiterate the measures to take when caring for a crying baby. An information brochure is provided to mothers at discharge that has a 24 hour, seven day a week number for parents to call to reach out if support is needed. To date, nurses at the Norton Healthcare facilities have educated families in 3,557 households. In September 2010, the nurse managers and staff of the University of Louisville Hospital's neonatal intensive care unit started using the curriculum to educate new parents. Baptist Hospital Northeast and Baptist Hospital East plan to implement the program in 2011. Norton Healthcare feels very strongly that continued education is key in the reduction and prevention of child abuse, particularly pediatric abusive head trauma.

In response to a question by Representative Burch, the HANDS program is mentioned in House Bill 285. The goal of the Portrait of a Promise is to have an evidence-based, career-specific curriculum.

#### Kentucky HIV/AIDS Planning and Advisory Council

Mark J. Royse, Executive Director, AVOL (AIDS Volunteers, Inc.), stated that the Kentucky HIV/AIDS Planning and Advisory Council (KH-PAC) is a state and federally mandated committee made up of people from around the state who are infected or affected by HIV/AIDS as well as those who serve those living with HIV/AIDS. The committee of stakeholders provides insight that helps guide the state's response to community needs. While one new person is infected with HIV every day, the good news is it is 100 percent preventable. The council's recommendations for preventing the spread of HIV in Kentucky include providing comprehensive, science-based sexuality education in public middle and high schools and holding those schools accountable for delivering the information to students; making HIV education a part of all substance abuse counseling programs in Kentucky and expanding the number of those programs wherever possible; and establishing clear procedures for offering voluntary HIV testing to inmates in the Kentucky prison system.

Mary Bishop, HIV/AIDS Clinical Pharmacist, Wings Clinic, Division of Infectious Diseases, Department of Internal Medicine, University of Louisville, stated that the cost of treating HIV is expensive, but it is more expensive if not treated. The clinic has an average of 20 new patients referred each month, and at least



two-thirds of these patients already have AIDS, resulting in higher costs for care. All applicants for initial licensure must receive two hours of HIV/AIDS education approved by the Cabinet for Health and Family Services or the licensing board or certifying body and are only required to receive training at least once every ten years thereafter. The guidelines to treat HIV have been updated yearly since 1995 and ten new drugs have been added in the last ten years. KHPAC recommends that all providers of care to patients with HIV/AIDS or at risk of becoming infected with HIV be required to have relevant, timely, and profession specific education on HIV/AIDS every two years, which is to be facilitated through the individual licensing board or certifying entity pursuant to KRS 214.610. KHPAC also recommends that Continuing Medical Education (CME) courses be flexible to allow for targeting the addressed audience and that the ten-year requirement be reduced. The CME requirements also need to reach generalized and emergency room doctors who do not necessarily work with HIV on a daily basis. KHPAC recommends that the Kentucky Aids Drug Assistance Program (KADAP) be appropriated \$2.5 million. The KADAP is a program designed to ensure that low-income persons infected with HIV have access to life-prolonging drugs and meet the program's eligibility requirements. Currently, there are 1,472 clients enrolled in the KADAP with an average cost of \$800 per client per month. Not funding the KADAP is a public health risk as it prevents patients from getting needed therapy to lower their viral load, thus decreasing the risk of spreading the virus.

#### Childhood Obesity

Andrew Hysell, Associate Vice President Policy and Advocacy, Save the Children, Lacey McNary, Deputy Director, and Andrea Plummer, Policy Analyst, Kentucky Youth Advocates, and Dr. Stephen Church, President, Kentucky Chapter of the American Academy of Pediatrics, recommend monitoring children's body mass index (BMI). Childhood obesity puts many Kentucky children at risk and decreases overall health and wellness. Kentucky obesity rates are also well above the national averages. Self-reported surveys reveal that Kentucky has the seventh highest rate of adult obesity and the third highest rate of childhood obesity in the nation. At least one out of every three children in Kentucky is considered overweight or obese. The growing epidemic has profound health and economic consequences now and for the future. For children, obesity related health issues negatively affect academic achievement and attendance rates.

Overweight children are twice as likely to become overweight adults than children of normal weight and 70 percent of obese adolescents remain obese during adulthood. Kentucky pediatric offices are now seeing children with diseases normally attributed to adults, including Type 2 diabetes, hypertension, heart disease, and arthritis. A 2005 study, A Potential Decline in Life Expectancy in the United States in the 21st Century, published in the New England Journal of Medicine, proposed that high obesity rates may for the first time cause children to have shorter life spans than their parents.

The terms overweight and obese are labels for ranges of weight that are greater than what is considered healthy for a given height. The tool most commonly used for measuring this is body mass index which takes into consideration the ratio of one's weight to height. For children, the BMI formula includes age and gender to present a more accurate measure of health risks. After the BMI number is calculated, it is plotted on the Centers for Disease Control and Prevention (CDC) BMI-for-age growth charts to produce a BMI percentile ranking. BMI percentiles are used by health care professionals to indicate possible weight problems and associated risks. It is not a diagnostic tool. Both the American Academy of Pediatrics and the CDC recommend using BMI to identify possible weight issues beginning at age two.

The BMI monitoring process as proposed in Kentucky represents the most feasible and low-cost option identified to date. It involves a few steps, many of which are already in place. First, the health care provider would calculate the BMI percentile and plot it on the CDC growth charts. Next, the provider would record the BMI percentile on the child's Preventative Health Examination form that is required for school entry before kindergarten and sixth grade. A BMI percentile field would have to be added to the current form. The school personnel would enter the BMI percentile into the Kentucky Student Information System (KSIS) Infinite Campus. In the current software, there is already a blank field box for BMI percentile to be input. This information would be accessible by the Kentucky Department of Education. Finally, the Kentucky Department of Education would aggregate the BMI percentiles on the state and local levels and make the data publicly available. BMI monitoring would be low cost for Kentucky. Most of the proposed steps in the BMI monitoring process are already in place in Kentucky. The collection of BMI percentiles by health care providers is one additional step in

the Preventative Health Examination process. There are no apparent additional costs to Kentucky to aggregate BMI data using the statewide Infinite Campus database.

In response to questions by Representative Wuchner, Dr. Church replied that doctors already use the Preventative Health Examination forms in their offices. The BMI percentile could be added in the blank field box on the Kentucky Student Information System (KSIS) Infinite Campus database.

In response to questions by Representative DeWeese, the BMI monitoring would be done in a physician's office. It is recommended that BMI percentiles be done every other year, not just when a student enters kindergarten or sixth grade.

## INTERIM JOINT COMMITTEE ON JUDICIARY

### Minutes of the 5th Meeting of the 2010 Interim

November 10, 2010

#### Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Judiciary was held on Wednesday, November 10, 2010, at 10:00 AM, in Room 171 of the Capitol Annex. Senator Tom Jensen, Chair, called the meeting to order, and the secretary called the roll. A quorum was present and the minutes of the September meeting were approved.

#### Present were:

Members: Senator Tom Jensen, Co-Chair; Senators Carroll Gibson, Ray S. Jones II, Mike Reynolds, Jerry P. Rhoads, John Schickel, Dan "Malano" Seum, and Jack Westwood; Representatives Joseph M. Fischer, Jeff Hoover, Thomas Kerr, Stan Lee, Mary Lou Marzian, Harry Moberly Jr., Darryl T. Owens, Tom Riner, and Brent Yonts.

Guests: Ellen Kershaw, Terri Shirk, Bruce Lane, and Cathy Naby, Alzheimer's Association; Virginia Moore, Betty Timon, Jim Timon, Archie Harris, Joseph Butler, Carolyn Gulley, Anita Dowd, Hannah Dowd, Ron Holloway, William Gulley, Sr., and Leo Curry, KY Commission on the Deaf and Hard of Hearing; Claudia Smith, Jefferson County Attorney; Morgan Ransdell, KY Commission on Human Rights; Amy Hatzel, KYRID/Carter County Schools; Jennifer Hans, Prosecutors Advocacy Council; Bradley Chappell, Kentucky School for the Deaf; and Sharon White, Kentucky Office of Vocational Rehabilitation.

LRC Staff: Norman Lawson Jr., Jon Grate, Joanna Decker, Ray Debolt, Jr., and Rebecca Crawley.

Senator Jensen told the members Representative Tilley had a blown tire on his way to Frankfort and would not be able to attend the meeting.

## Uniform Adult Guardianship and Protective Proceedings Act

Representative Marzian gave a general description of 2010 House Bill 86 which proposed adoption of the Uniform Adult Guardianship and Protective Proceedings Act and the need to enact the legislation to protect Alzheimer's patients in proceedings that may involve parties in more than one state. Representative Marzian introduced Ms. Ellen Kershaw, Vice President for Public Policy of the Alzheimer's Association-Greater Kentucky and Southern Indiana Chapter, and Ms. Claudia Smith of the Jefferson County Attorney's Office. Ms. Kershaw said currently each state has different provisions relating to guardianship proceedings and these different provisions make it difficult to utilize guardianship laws from other states in Kentucky, and Kentucky law in other states. For instance, a guardian in another state may not be able to sell a ward's property which is located in Kentucky.

The Uniform Adult Guardianship and Protective Proceedings Act was approved by the National Conference of Commissioners on Uniform State Laws in 2007 and is designed to provide a uniform procedure for handling guardianship proceedings across state lines including such items as definitions, which court has primary jurisdiction over a guardianship proceeding, providing full faith and credit for out-of-state proceedings and similar matters. Ms. Kershaw indicated the act has been adopted in sixteen states. Ms. Claudia Smith of the Jefferson County Attorney's Office described the difficulties surrounding a case where a disabled person was located in Kentucky, an emergency guardianship was obtained in Florida, there were problems between the disabled person's family and the disabled person's wife, who attempted to obtain a guardianship in Kentucky, how the Florida court judgment was inapplicable in Kentucky, and how the uniform act would assist in sorting out these problems and provide a better solution.

In response to a question from Senator Gibson who observed in his part of the state that attorneys were routinely appointed as guardians or granted power of attorney and asked if that practice was statewide, Ms. Smith responded the practice was not uniform and in other parts of Kentucky, family members or agencies were appointed as guardians, and a power of attorney could be revoked prior to the event triggering the use of the power of attorney. Several members of the committee observed that Kentucky requires a jury trial in disability cases to protect the rights of the person alleged to be disabled and observed that previous



legislation to make the jury trial optional unless a trial was requested by a party or the court had failed due to concerns about the rights of the person alleged to be disabled. Representative Kerr observed that a person declared disabled is deprived of their personhood and in his practice several juries have determined the person was not disabled, or the judge instructed the jury to determine the person was not disabled. Ms. Smith responded the uniform act does not require a jury trial and other states which have adopted the uniform act do not require a jury trial.

#### Hearing Impaired in Movie Theatres

Ms. Virginia Moore, Kentucky Commission on the Deaf and Hard of Hearing, Mr. Morgan Ransdell, Kentucky Commission on Human Rights, Bradley Chappell, a student at the Kentucky School for the Deaf, Anita Dowd, and Betty Timon testified about captioning services in movie theatres. Senator Ray Jones, sponsor of 2010 Senate Bill 102, said the bill would have required theaters having five or more screens at a single location to show captioned movies for the benefit of the deaf and hard of hearing, and require the Kentucky Commission on Human Rights and the Kentucky Commission on the Deaf and Hard of Hearing to cooperate in the promulgation of administrative regulations, to monitor and enforce equal rights for deaf and hard of hearing persons with regard to the showing of movies by movie theaters. Ms. Moore testified about the number of deaf persons in Kentucky, the types of deafness, and how the motion picture industry has not moved quickly enough to provide accommodations for deaf persons at movie theaters. Several representatives of the deaf described problems they have had with theaters and the need for the General Assembly to act with regard to ensuring access, because the federal government has declined to do so, the motion picture industry has not moved quickly enough to solve the problem, and hard of hearing persons cannot understand the audio portion of a movie regardless of the sound level without captioning. Mr. Morgan Ransdell of the Kentucky Commission on Human Rights described how motion picture access for the deaf should be covered by federal human rights legislation. He said Congress had not taken action, partially due to opposition by the motion picture industry, and urged the General Assembly to act in the matter.

Ms. Melissa Patack, Vice President of Government Affairs for the Motion Picture Association of America, and Mr. Randy Smith, Jr., Chief Administrative Officer and Counsel

for the Regal Entertainment Group, testified on behalf of their organizations. Ms. Patack and Mr. Smith indicated they did not want to debate the points made by the advocates for the deaf and hard of hearing, and described attempts made in previous years to accommodate the needs of deaf and hard of hearing patrons and what developments are under current experimentation. Mr. Smith indicated open captioning, which appears on the screen and can be seen by everyone, and closed captioning, which can be seen either with a seat monitor or rear view device, have been used in recent years, but there have been some problems adapting these devices to new digital movie formats. Another device currently under experimentation is a pair of glasses which projects the text of the voices on the glasses while the patron is watching the movie. Seat screen devices cost approximately \$600 to \$800 each while the glasses cost approximately \$1,300 per pair. Theaters are showing more captioned movies, particularly in large urban areas, at more convenient times but in rural areas, captioning upgrades have not been made. Open captioning of movies, which are viewable by all viewers, drew objections from non-deaf or hard of hearing viewers as a distraction while viewing the movie. Mr. Smith urged the committee to permit the motion picture industry to continue working to solve the problem without each state setting different rules or waiting until the federal government sets a nationwide standard.

#### Substance Abuse Treatment Programs in Kentucky's Correctional System

LaDonna Thompson, Commissioner of Corrections, Dr. Michele Tindall of the University of Kentucky Department of Behavioral Science and Center on Drug and Alcohol Research, and Mr. Damon Preston, Trial Division Director of the Department for Public Advocacy, discussed substance abuse treatment problems in Kentucky's correctional system and whether the demand for substance abuse and other treatment programs was causing delays in the release of inmates on parole. Representative Brent Yonts observed he has had communications from inmates and their families concerned that even though they have been approved for parole contingent upon completion of substance abuse treatment programs, many inmates must wait a considerable time for program space to become available, the substance abuse program takes six to nine months, and their parole has been delayed. Commissioner Thompson commented there are substance abuse programs in about half of Kentucky prisons, in seventeen of the

jails housing state prisoners, ten contract halfway houses and nine Kentucky Recovery Centers. There is always a waiting list to get into the programs and presently 225 inmates who were recommended for parole are waiting to enter the substance abuse program. The department is attempting to increase the number of treatment program beds. Dr. Tindall described how the UK Center on Drug and Alcohol Research is working on two innovative treatment program approaches for the Department of Corrections. One program involves Computerized Psychosocial Treatment for Offenders and is a 12-week computer-based program targeting offenders at Blackburn Correctional Complex in Lexington, while the other program, Re-entry Alcohol Services for Rural Offenders, uses a telemedicine technology approach to deliver an evidence-based alcohol intervention program for rural offenders re-entering the community from prison.

Representative Yonts noted a number of offenders dropped their applications for the substance abuse program or dropped out during the program. Commissioner Thompson responded many of the offenders were near their serve-out date and would be released from prison, and did not have the time to complete the substance abuse program prior to release.

In response to a question from Senator Westwood asked about the use and success of faith-based substance abuse treatment programs, Commissioner Thompson responded the department does use faith-based programs and hopes to increase these programs in the future. Dr. Tindall and the Commissioner indicated they are currently writing grant applications to utilize faith-based and other community programs to expand treatment options and beds. Commissioner Thompson agreed to provide the committee with additional requested information and cost data for distribution prior to the next committee meeting.

The meeting adjourned at 12:15 p.m.

#### **INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT Minutes of the 6th Meeting of the 2010 Interim**

November 4, 2010

##### Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Natural Resources and Environment was held on Thursday, November 4, 2010, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Brandon Smith, 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 Ray S. Jones II, Bob Leeper, John Schickel, Katie Kratz Stine, Robert Stivers II, Gary Tapp, and Johnny Ray Turner; Representatives Hubert Collins, Tim Couch, Keith Hall, Stan Lee, Marie Rader, Kevin Sinnette, Ancel Smith, Fitz Steele, Jim Stewart III, and Jill York.

Legislative Guests: Representatives Rocky Adkins and Fred Nesler.

Guests: Bruce Scott, Kentucky Department of Environmental Protection; John Lyons, Sean Alteria, Andrea Smith, And Millie Ellis, Division of Air Quality; Larry Arnette, Energy and Environment Cabinet; Allen Luttrell, Division of Mine Permitting; Gene Kitts, International Coal Group; Kim Nelson, Lloyd Cress; John Talbert, Big Rivers Electric; and Dan Geiger, D.J. Geiger & Co.

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

A quorum was present. After a motion and a second, the minutes from October 7, 2010 were approved.

#### Update on Air Quality and Implementation of New Greenhouse Gas Rules

Commissioner Bruce Scott, Department of Environmental Protection and John Lyons, Director of the Division of Air Quality provided an update on various federal air quality regulations that will affect the state. In particular, Mr. Lyons discussed the greenhouse gas reporting and tailoring rules, various legal issues affecting the cabinet and the Commonwealth, and amicus briefs and comments issued by the cabinet. The genesis of the greenhouse gas reporting rule was the 2007 United States Supreme Court's ruling that United States Environmental Protection Agency could make a determination of carbon dioxide as a pollutant for the purposes of regulation. The United States Senate failed to pass a climate bill, which brought about regulation rather than legislation of carbon dioxide as a pollutant.

Under the current administration, the US EPA issued an endangerment finding and then in September of 2009 the tailoring rule. There are 109 sources impacted and the biggest impact will initially be record-keeping and reporting. However, the tailoring rule will require a determination of best available control technology (BACT) for controlling emissions of the pollutant and currently the only method is efficiency. Energy efficiency for boilers might include energy audits.

There is litigation pending. Seventeen states have filed in opposition and 20 are in support. There are 13



states that are undecided. Kentucky has joined Alabama in opposition of the tailoring rule and has filed an amicus brief in that case. In response to a question about why Kentucky has waited to join or file a suit against US EPA, Commissioner Scott stated that, in 2008-2009, Kentucky did not act while the Commonwealth considered its position. Mr. Lyons commented that Kentucky filed in March 2010 against the endangerment finding. Adverse comments have been filed with US EPA in response to the tailoring rule because there is uncertainty regarding BACT. New source review (NSR) and prevention of significant deterioration (PSD), two important programs under the Clean Air Act, will be impacted. Kentucky has its own PSD program and issues its own permits for construction. The Commonwealth has argued that it does not have the authority to regulate greenhouse gases, but a failure to implement the program in accordance with US EPA deadline date of March 31, 2011 will result in a federal implementation plan. That means that the state will lose control over issuance of permits.

In response to a question on how many new laws are coming from US EPA recently, Commissioner Scott replied the cabinet spends a great deal of time commenting on new US EPA rules. Currently the Commonwealth is suing US EPA and that has not been done before. Mr. Lyons commented that the Division of Air Quality spends an unprecedented amount of time on new rules.

In response to a question about how the new rules will impact sources, Mr. Lyons stated that the Division is unsure. Recordkeeping and reporting will be the most impactful at first. There are other rules that have controls and implications and the fear is that these rules open the door to regulating greenhouse gases. There are also questions about what the efficiency measures will be. In terms of other impactful rules, the transportation rule will result in greater reductions of sulfur dioxide and nitrogen oxides. The rule will cause fuel switching and may force shut-downs.

Update on Mine Permit Fee Increases

Deputy Commissioner Larry Arnett and Division Director of Mine Permits Allen Luttrell provided an update on the increase in mine permit fees that the General Assembly passed in 2010. Commissioner Arnett stated that the legislation was a success resulting in fewer delinquent permit applications. In 2009 when discussion between the cabinet and the coal industry, the governor issued an executive order to provide increased fees to hire 19 new staff.

It also resulted in new training, reorganization of the department and updates to the mine permitting process. Mr. Luttrell stated that the Division of Mine Permits has roughly 500 pending applications all the time and it takes about 65 days to complete the permitting process. The Division has lost staff. Now there are 102 capped positions. The division will continue to reduce delinquent applications while making solid decisions regarding permitting. Training in blasting, subsidence and additional retraining for existing hires is being done. The goal is that in January 2011 there will be less than 25 delinquent applications. There has been a question about the adequacy of performance bonds for mining operations and the division will also be reviewing those. Commissioner Arnett described the division's budget, personnel and identified the new permit fee revenues.

In response to a question regarding the small coal operators group that was very efficient in getting applications through the division, Commissioner Arnett stated that one of the biggest differences between that period and now is the staffing levels. The division has lost staff in key areas and valuable experience too. However, the division is moving towards electronic permitting and that will likely streamline the process.

In response to a question regarding use of courts to stop coal mining, Mr. Luttrell replied that it is not unusual for the division to receive a lands unsuitable petition and the cost associated with it is high. The problem is when a petition such as lands unsuitable comes in the resources are taken away from permit review and redirected to review of the petition. Secretary Peters added that the permits are more complex than before and legal actions slow down the process too. Electronic permitting will allow 3 or 4 desks to examine the same permit adding efficiency in the process. Changes in the Division of Mine Permit's management have made a difference as well.

In response to a question regarding the complexity of the permitting process and whether it is necessary, Mr. Luttrell stated there are strict regulatory guidelines for permits and the cabinet is developing additional guidelines to create consistency of expectations between the reviewers and industry. This should prevent permit withdrawals.

In response to a question regarding staffing, Mr. Arnett stated that new staff in the Division of Mine Permits is integrated into mainstream staff. There are measures taken to improve the bond release process and enforcement division. In response to a question about informing landown-

ers about a petition to stop mining, Mr. Luttrell replied no. There is no individual notice to landowners.

Coal Issues

Mr. Kim Nelson, legislative lobbyist for the Western Kentucky Coal Association and Mr. Bill Bissett, President of the Kentucky Coal Association provided an update on the legal actions taken against US EPA in response to new guidance documents on conductivity standards for mine permits. In providing examples of both an underground mine, coarse refuse disposal facility and a surface mine, Mr. Bissett stated that all permitting actions from US EPA have slowed.

In response to a question about whether actions by the US Department of Labor are mirroring recent US EPA actions against mining operations, Lloyd Cress, general counsel for the Kentucky Coal Association replied that all of these legal initiatives are bad for Kentucky mining. Mr. Cress stated that since the October meeting, Kentucky has received 11 objection letters from US EPA. On October 18, the Kentucky Coal Association filed suit in Pikeville challenging US EPA actions.

Senator Smith and Representative Gooch asked for a vote to send a letter to the Kentucky Attorney General's Office encouraging the OAG to join any current or future actions to stop US EPA from obstructing the Commonwealth from obtaining coal mining permits. The measure was approved.

There being no further business the meeting was adjourned.

## **INTERIM JOINT COMMITTEE ON STATE GOVERNMENT Minutes of the 5th Meeting of the 2010 Interim**

November 17, 2010

Call to Order and Roll Call

The fifth meeting of the Interim Joint Committee on State Government was held on Wednesday, November 17, 2010, at 1:00 PM, in Room 154 of the Capitol Annex. Representative Mike Cherry, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Damon Thayer, Co-Chair; Representative Mike Cherry, Co-Chair; Senators Walter Blevins Jr., Julian Carroll, John Schickel, Elizabeth Tori, Johnny Ray Turner, and Robin Webb; Representatives Eddie Ballard, Kevin Bratcher, Dwight Butler, John "Bam" Carney, Larry Clark, Leslie Combs, James Comer Jr., Tim Couch, Will Coursey, Joseph Fischer, Danny Ford, Derrick Graham, Mike Harmon, Melvin Henley, Charlie Hoffman, Jimmie Lee, Brad Montell, Lonnie Napier, Sannie Overly, Darryl Owens, Tanya Pullin, Tom Riner, Ste-

ven Rudy, Sal Santoro, Kent Stevens, Jim Wayne, Alecia Webb-Edgington, and Brent Yonts.

Guests: Representative Reginald Meeks; Tressa Brown, Kentucky Heritage Council; and Michael Presnell, Kentucky Native American Heritage Commission.

LRC Staff: Bill VanArsdall, Kevin Devlin, Brad Gross, Alisha Miller, Karen Powell, Greg Woosley, Sean Donaldson, and Peggy Sciantarelli.

Approval of Minutes

The minutes of the October 27 meeting were approved without objection, upon motion by Representative Rudy.

Resolutions Honoring Members Leaving General Assembly

The committee adopted resolutions to adjourn the meeting in honor of the following members who will be leaving the General Assembly in January: Senators Reynolds and Tori, and Representatives Ballard, Hoffman, Stevens, and Weston. Honorees who were present made brief statements, and the ceremony concluded with a group photo of the committee.

Legislation Relating to Native Americans

Representative Reginald Meeks presented BR 220 and BR 221, which he prefiled relating to recognition of native Americans. Tressa Brown, African-American Heritage Coordinator/Native American Heritage Coordinator for the Kentucky Heritage Council, and Michael Presnell, Vice Chair of the Kentucky Native American Heritage Commission, accompanied him and spoke in support of the legislation. Representative Meeks explained that Helen Danser, Chair of the Kentucky Native American Heritage Commission, could not be present because she is attending the annual conference of the National Congress of American Indians. Representative Cherry recognized in the audience Mark Dennen, Director of the Kentucky Heritage Council. Sixteen persons of native American heritage were also present and were later recognized individually.

Ms. Brown said that one of the primary goals of the Native American Heritage Commission is to educate Kentuckians about Kentucky's native history and to dispel myths about native people. She emphasized that there were native people in Kentucky 10,000 years ago and that native people still reside permanently in Kentucky. Mr. Presnell said he is also president of the Kentucky Center for Native American Arts and Culture, is a federally recognized member of the Western Band of Cherokee, and was born and raised in Kentucky. For several years he has been CEO of his family's civil engineering firm, which works nationwide mainly for the Bu-



reau of Indian Affairs.

Representative Meeks explained BR 220, relating to the definition of "American Indian." He said that Kentucky statutes do not currently define "native American" and that having a definition would assure accountability for resources that come to and through the Commonwealth. The definition in BR 220 (Sec. 1 (2)) corresponds with both the Census Bureau definition and the federal definition of native American. It is accepted throughout the country and is included in other states' statutes.

When Representative Montell expressed reservation about the inclusion of peoples of Central America and South America in the definition, Representative Meeks said the definition is broad not only because it corresponds to the federal and Census Bureau definitions but also because native people identify with, and recognize that they are related to, people in those geographic regions. Ms. Brown pointed out that the definition in BR 220 applies to individuals rather than groups of people.

When asked by Representative Wayne, Representative Meeks confirmed that the bill has nothing to do with legal citizenship and would not apply to undocumented persons who reside in Kentucky illegally.

Representative Meeks discussed BR 221, relating to recognition of American Indian tribes, which establishes a process for formal recognition by the Commonwealth of Kentucky. He explained that 38 American Indian nations lived in, hunted, or otherwise have had a presence in the Commonwealth of Kentucky. Once the Commonwealth became well settled and independent of Virginia, members of various tribal nations blended into the communities as a way of protecting families, especially during times of removal of eastern tribes to the west. Federal treaty law and case law have long recognized the sovereignty of individual native American nations or tribes.

Today 43 states have American Indian nations; 28 of these states have federally-recognized nations, and 15 have state-only recognized nations. Eleven of the 15 states with state-only recognized nations have developed a formal process for tribal recognition. Kentucky is one of only seven states without any recognized nations. Under the provisions of BR 221, applicants desiring formal recognition would submit a formal petition to the Kentucky Native American Heritage Commission and would have to satisfy at least five of the eight eligibility criteria. A tribe would have to have a population of at least 250 individuals who have had continued presence in the Commonwealth for at least 200 years. Af-

ter determining that a petitioner has met the criteria requirements, the Commission would recommend to the Governor that the tribe, group, or organization identified in the petition be formally recognized. If the Governor accepts the recommendation, recognition would be entered by executive order. BR 221 requires the Commission to promulgate administrative regulations to establish the petitioning procedure and for appealing the Commission's denial of a petition. The process outlined in BR 221 closely mirrors the recognition process in many other states.

Representative Meeks said that state recognition would facilitate cooperation and communication between tribal governments and the state. This would ensure better access of services to the American Indian population in the Commonwealth and would provide a multi-cultural understanding among public officials and the public at large. State-recognized tribes receive federal protection under the American Indian Arts and Crafts Act of 1990 and the Native American Free Exercise of Religion Act of 1993. Tribal religious ceremonies were at one time outlawed by the federal government. State-recognized tribes can apply for limited federal programs such as education, job training, and housing assistance, which would bring additional needed revenue to the state in order to address specific problems faced by these communities of people. BR 221 is consistent with the laws of member states of the Governor's Interstate Indian Council (GIIC). It has the official support of the Kentucky Native American Heritage Commission and many native people throughout the Commonwealth. Mr. Presnell then spoke about the benefits and importance of having a formal process for recognition.

Responding to Representative Owens, Representative Meeks said he knows of two or three groups at this time that would be interested in obtaining state recognition but that he does not know how many others might apply. Applicants would have to reside in the Commonwealth.

Responding to questions from Representative Montell, Representative Meeks said that the federal government has its own tribal recognition process, administered by the Bureau of Indian Affairs. He stated that those who wish to seek state rather than federal recognition perhaps do so because they feel they cannot meet the federal criteria.

Responding to an inquiry from Representative Harmon—who spoke about his own family's native American ancestry—Representative Meeks discussed the history of the federal government's maltreatment and dis-

crimination toward native Americans, even as late as the 1950s. Representative Cherry noted that his great great grandmother was Cherokee.

When asked by Representative Carney, Representative Meeks said it is estimated that there are about 30,000 persons of native American heritage in the Commonwealth. This number could increase significantly after analysis of the most recent census data.

Senator Thayer spoke of the importance of native Americans taking pride in their heritage. He spoke also of his concern that passage of the legislation might lead to the establishment of Indian casinos in Kentucky, which he opposes. Representative Meeks said that, under the federal Indian Gaming Regulatory Act, only federally recognized tribes are eligible to conduct gaming activities, and only if the state in which they are located authorizes such activity. There are no federally recognized tribes in the Commonwealth, and state recognition is not dependent on and does not influence federal recognition. Mr. Presnell and Ms. Brown added that it would be difficult for the federal government to recognize a tribe in Kentucky in absence of a declaration of federal land. Federal recognition is a long-term process. For example, the Chinicock tribe of Long Island has been pursuing federal recognition since 1978 and only now is close to gaining recognition.

Representative Meeks, responding to a question from Representative Webb-Edgington, said he and his constituents are in the process of examining the recent amendment of Public Law 280 [a federal law establishing "a method whereby States may assume jurisdiction over reservation Indians"]. At present, it appears that it would not impact BR 220 and BR 221.

Senator Webb spoke with pride of her Shawnee heritage and expressed appreciation to Representative Meeks for his efforts. She said she has worked with him for a long time on the legislation and that it is not, and never has been, an effort to enable casino gaming in Kentucky.

Representative Meeks thanked the committee and said he is open to working with the members as the 2011 regular session approaches.

#### Subcommittee Report

Senator Thayer, Co-Chair of the Task Force on Elections, Constitutional Amendments, and Intergovernmental Affairs, read the subcommittee report of the Task Force's November 16 meeting. A motion to adopt the report passed by unanimous voice vote.

The meeting was adjourned at 2:10 p.m., after adoption of a motion to adjourn in honor of the retiring

committee members.

## TASK FORCE ON MEDICAID COST CONTAINMENT

### Minutes of the 9th Meeting of the 2010 Interim

November 15, 2010

#### Call to Order and Roll Call

The 9th meeting of the Task Force on Medicaid Cost Containment was held on Monday, November 15, 2010, at 1:00 PM, in Room 131 of the Capitol Annex. Senator Katie Kratz Stine, Chair, called the meeting to order, and the secretary called the roll.

#### Present were:

Members: Senator Katie Kratz Stine, Co-Chair; Representative Jimmie Lee, Co-Chair; Senators Denise Harper Angel, Bob Leeper, and David L. Williams; Representatives Tom Burch, Rick Rand, Greg Stumbo, and David Watkins.

Guest Member: Representative Keith Hall.

Guests: Wes Brewer of Kentucky ACEP; Bill Doll for the Kentucky Medical Association; Jeff Presser for Dean Dorton Ford; Kyle White for Norton Healthcare; Judith Warren and Christina Curtis for Health Care Access Now; Eric Clark and Wayne Johnson for the Kentucky Association of Health Care Facilities; William Crump, M.D., for the University of Louisville; Jan Gould for the Kentucky Retail Federation; Jodi Mitchell for Kentucky Voices for Health; Blair Schroeder for the Cincinnati Children's Hospital; Charles Mayer for Signature; Bryce McGowan for the Kentuckians for Nursing Home Reform; Ellen Kershaw and Toni Miles for the Alzheimer's Association; Judy Taylor for Kentucky Ambulance Providers Association; Karen Lentz for EPIC Pharmacies; Anne Joseph for the Kentucky Task Force on Hunger; and Mike Ridenour for Amerigroup.

LRC Staff: Miriam Fordham, Cindy Murray, Mike Clark, Frank Willey, Jonathan Scott, and Cindy Smith.

The minutes from the October 18, 2010, and October 19, 2010 meetings were approved without objection.

#### Discussion of Primary Care Physician Training

Boyd R. Buser, D.O., Dean, Pikeville College School of Osteopathic Medicine (PCSOM) said that the mission of PCSOM is to provide men and women with an osteopathic medical education that emphasizes primary care, encourages research, promotes lifelong scholarly activity, and produces graduates who are committed to serving the health care needs of communities in Eastern Kentucky and other Appalachian regions. The first class of 60 students entered in August, 1997. The current class size is 75. Total enrollment is 305 stu-



dents in 4 classes, and the number of applicants has risen steadily over the past ten years. Over 600 students have graduated since May 10, 2001, and over three-fourths of those graduates have entered primary care specialties. Thirty-two percent of PCSOM graduates practice in Kentucky, with 62 percent of those practicing in the Appalachian region. Currently, 53 percent of the PCSOM students come from Kentucky. Since the Kentucky Osteopathic Medical Scholarship's inception in 1998, nearly \$13 million has been awarded to 461 osteopathic medical students. Pikeville College recently held a groundbreaking ceremony to launch the construction of a new building to house PCSOM. Upon completion in May 2010, the new building will accommodate an increase to 125 students per class.

In response to a question by Senator Stine, Dr. Buser said that there is no evidence students are leaving the state.

In response to a question by Representative Hall, Dr. Buser said that applications to medical schools are cyclical, and applications to D.O. schools are on the increase. PCSOM has shown a marked increase in applications above the national average.

In response to a question by Representative Hall, Dr. Buser said that defaults of students using coal severance money is less than five percent.

In response to a question by President Williams, Dr. Buser said that coal severance funds are funding some tuition to PCSOM and only Kentucky residents are eligible for these monies. In return, these students have a one year service obligation to the state for every year the monies were received. These monies are about \$10,000 per year.

In response to a question by President Williams, Dr. Buser said there is an undergraduate arrangement with Midway College in terms of pre-pharmacy.

In response to a question by Representative Watkins, Dr. Buser said that years three and four in college allow for off-campus residencies in hospitals, clinics, and doctors' offices. The third year is more tightly controlled, and the fourth year has less control.

In response to a question by Representative Burch, Dr. Buser said that 60 percent of first year students are Kentucky residents.

In response to a question by Representative Burch, Dr. Buser said the tuition is \$34,950 per year, without housing costs.

In response to a question by Senator Stine, Dr. Buser said special selection is given to those students

motivated because of desire to help individuals and also those from rural or underserved areas.

Stephen F. Wheeler, M.D., MChe, Associate Dean of Admissions, Senior Faculty Member, Residency Training Program, Associate Professor, Department of Family and Geriatric Medicine, School of Medicine, University of Louisville, said that the mission statement of the School of Medicine is to meet the medical needs of the Commonwealth. The school seek students who are likely to be "generalists" or to practice in rural areas. Class size is limited to 160, and it cannot be increased unless the seating capacity is expanded. Gender enrollment is about 50 percent men and 50 percent women. The goal is to graduate 40 to 50 percent of the class to be generalists. The school offers Trover rural scholarships. Students are nominated by participating colleges after their freshman year. The school has a summer medical dental education program which is funded by the Robert Wood Johnson Foundation at the University of Louisville and 11 other leading universities.

The University of Louisville also has a G.E.M.S. program, which is a guaranteed entrance to medical school program. Seventy percent of the 177 students who have entered the G.E.M.S program have been successful in going to medical school. There were 2,678 applicants to the medical school class of 2014. Of those, 405 were from Kentucky. There were 135 students from the class of 2010 matched with residencies. The student loan indebtedness for the University of Louisville is less than the average college loan indebtedness in the United States.

William J. Crump, M.D., Associate Dean, Trover Campus, School of Medicine, University of Louisville said that health professionals are important economic engines for small towns. One new primary care doctor that is recruited to practice equals \$1.6 million annually for the local hospital. Doctors tend to practice near where they train, and in towns like those where they train. Over 60 percent of Kentucky's counties are medically underserved. The Trover Campus in Madisonville provides a way for those from small towns to find a comfortable path through medical school. To date, 64 percent of Trover campus graduates from small towns are practicing in small Kentucky towns and 86 percent in primary care. Nationally, about three percent of medical school graduates intend to practice in rural areas, and most medical schools place about 10 percent in family medicine.

Emery Wilson, M.D., Dean, College of Medicine, University of Ken-

tucky, said that there are 13,618 licensed physicians, with 8,981 active in Kentucky. Forty-three percent of Kentucky's population lives in rural areas, and 28 percent of those physicians practice in rural areas. Forty-eight percent of Kentucky students go into primary care. Debt may influence specialty choice. Factors influencing future demand of physicians include: aging population; chronic disease; education; socio-economic level; and changes in physician demography and interests. By 2020, 48 to 60 percent of the physicians in Kentucky will be in primary care. Recommendations include strategies to increase physicians and strategies to address maldistribution. Rural physician leadership program objectives include taking students from rural areas and training them in rural areas; health promotion and disease prevention; studying of community health systems, services and agencies; role of community leaders in health care; identification of community and public health problems and solutions; and evaluation and economics of a medical practice. Suggestions for reducing Medicaid costs include making more use of lay health workers; educating patients to not use emergency rooms; authorizing more use of TeleHealth Network; and taking care of Kentucky's own.

In response to a question by Representative Burch, Dr. Wilson said the school is not graduating enough students to meet the physician needs in Kentucky, and noted that Kentucky has a physician shortage of about 2,300.

In response to a question by Representative Burch, Dr. Wilson said there have been no studies that show that doctors would do better or worse if graduation were allowed before residency requirements were completed.

Discussion of Department for Medicaid Services Recommended Cost Containment Measures

Janie Miller, Secretary, Cabinet for Health and Family Services, and Neville Wise, Acting Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services, discussed Medicaid cost savings. Secretary Miller said that Governor Beshear announced a plan to address the Medicaid benefit budget shortfall. There is a newly created hole of \$100 million dollars in the state Medicaid budget caused when help from Congress did not meet budget assumptions made by the General Assembly in formulating and passing its FY 2011 and 2012 budget. The new plan will fill that shortfall and rebalance the Medicaid budget, and is based on two principles. It protects critical health services for 815,655 Kentuckians who rely on

the Medicaid Program for health care, and while the re-balancing plan addresses a short-term budget problem, it does so in a way that will bring long-term efficiencies to a \$6 billion budget, which is a continual financial challenge.

The Medicaid budget as introduced and enacted included cost-containment measures of \$125.5 million and \$83.6 million General Funds (GF) in 2011 and 2012 respectively. To date, costs have been managed, and there are planned changes that will save \$86.5 million this year with a continuing effect of \$80.2 million for the next fiscal year. This new hole of \$100 million in GF or \$470 million in total funding must also be addressed. In addition to addressing the new \$100 million gap, the re-balancing plan will build on the cost-containment measures already announced and cost management strategies employed in order to close the remaining budget gap. This plan will not require any additional General Funds over the biennium, and it solves the Medicaid gap within the program itself.

The Cabinet is addressing anti-fraud Initiatives and is preparing for the issuance of Requests for Information for the following: performance-based, capitated managed care programs for all eligibles within a county or grouping of counties; performance-based, capitated managed care dental programs designed to improve access for children and increase preventive dental care; provider incentive performance programs for KenPAC physicians and participating dentists to improve patient health care outcomes; a capitated pharmacy benefit program; a long-term care capitation model designed to improve care coordination for elderly and disabled patients requiring long-term care services and supports; and the imminent release of an RFP for management of high-cost radiology and imaging services. These strategies will give the Commonwealth a number of options and flexibility to implement those that fit the needs of the program in different parts of the state based on the willingness and capacity of organizations to serve certain or all areas of the state, and what might work best in a specific area.

The initiatives announced today are in addition to those cost-containment initiatives announced earlier this year, including: reducing the unnecessary use of medical services, treatments and ER visits; eliminating the ability of some patients to "doctor-shop" in order to obtain unnecessary drugs; increasing efforts to collect payments from liable third parties for Medicaid services provid-



ed; stopping payments to hospitals for hospital-acquired infections and errors; partnering with the Department of Revenue to recoup payments to providers; and more aggressively identifying fraud and abuse.

In response to a question by Representative Burch, Secretary Miller said that capitation is the amount paid per member, per month.

In response to a question by Representative Burch, Secretary Miller said that early oral health care is so important to children, and the dental program has improved dental fees over the years.

In response to a question by Representative Lee, Secretary Miller said that an RFP for behavioral health could be proposed, and the cabinet is leaving that option open to gauge capacity.

In response to a question by Representative Lee, Acting Commissioner Wise said that the department would have complete access to data of providers and individuals and the contract would be based on performance.

In response to a question by President Williams, Secretary Miller said that the time frame for the RFI is very broad. It would take 30 days to a couple of months to get it ready and get the RFP on the street.

In response to a question by President Williams, Secretary Miller said that the second year will back-fill this year, and this year there is an \$86 million dollar savings. She believes a savings of \$139 million can be achieved.

In response to a question by President Williams, Secretary Miller said that past Commissioner Johnson did an analysis regarding the cost Passport eligibles versus the regular Medicaid eligibles in the state. Additional work needs to be done on how Passport works and how to save money. The analysis showed the cost in 4 years of Passport providing services is about 20 percent higher than the balance of the state.

In response to a question by President Williams, Secretary Miller said there was no official cost analysis done for the cost efficiencies of the Passport Health Plan.

In response to a question by President Williams, Secretary Miller said that the excess reserves were questioned by the Secretary's office and the Cabinet was tracing over a number of years what had been spent.

In response to a question by President Williams, Secretary Miller said the Cabinet did not disapprove of the disbursement of the reserve money.

In response to a question by President Williams, Secretary Miller said that to the extent that public

entity transparencies are appropriate, the managed care contracts will be transparent. There will be no funding for lobbying, and there will be limits on meals and gifts.

In response to a question by Representative Rand, Acting Commissioner Wise said that there are \$3,000 new Medicaid eligibles per month.

In response to a question by Representative Rand, Secretary Miller said the plans do not depend on cutting services or reimbursements.

In response to a question by Speaker Stumbo, Secretary Miller said the General Assembly and the Cabinet must work together and determine what efficient spending is. The Cabinet sees the value in managed care and Passport, depending on how it reacts to the audit. The Cabinet has bigger concerns that the entity built up funds in ways to benefit other organizations. The excess funds should go back to the Commonwealth to help those in need.

In response to a question by Speaker Stumbo, Secretary Miller said the \$28,000 a month was spent on lobbying activities.

In response to a question by Speaker Stumbo, Secretary Miller said there were independent audits of the expenditures. The Partnership Council did not know about some of the expenditures. One owner did not even know about the excessive spending patterns by Passport.

Discussion of Emergency Room Use

Judith Warren, Executive Director, Health Care Access Now (HCAN) said that Health Care Access Now was established in 2009 and serves as a system integrator by developing and managing partnerships and programs to improve access to care and improved health outcomes. HCAN works with medical and social service providers to reduce inappropriate emergency room use and improve access to prescriptions. HCAN works with entities at all levels that are aligned with the HCAN vision for sustainable primary care access delivery systems for the uninsured and underserved. In Kentucky, the emergency room utilization is 519 per 1,000 individuals, and estimated visits in 2009 were 2,239,000. Care coordination is a way to reduce the cost of care and ensure that the patient receives the right treatment at the right time and in the right setting. The evidence-based care coordination approach is known as a pathway which enables patients to be guided to appropriate medical and supportive care services, and it connects patients with a consistent medical home relationship. The emergency care coordination pilot project provides a cost-effective solution for

reducing avoidable emergency room visits by navigating patients to primary care settings and establishing a medical home. There are currently three pilot program partnerships in Kentucky. There were some very key results from the Northern Kentucky emergency room care coordination pilot projects, which resulted in reduced hospital charges. The care coordination model can be customized for patients with chronic disease and behavioral health disorders.

Currently, a reduction in emergency room utilization provides disincentives to contracted emergency room physicians and hospital management. Hospitals must redesign their emergency room services to capture any direct cost savings from reduced volume. The request was that the task force consider developing a statewide or regional Medicaid pilot that will provide the forum for spreading methods and approaches that eliminate avoidable emergency room visits and stimulate rapid cycle improvement and measure. The goal would be to engage providers from all sectors, consumers, and other key stakeholders to set specific service targets with specific timelines.

Discussion of Polypharmacy  
Demetra Antimisiaris, PharmD, GCP, FASCP, Assistant Professor, Department of Family and Geriatric Medicine, University of Louisville, said that polypharmacy is the use of five or more medications at the same time; the use of more medications than are clinically indicated; or the inappropriate use of medication. Over two million patients are hospitalized every year after experiencing serious adverse drug events, and 106,000 die each year from an adverse drug event. Up to 30 percent of older person are admitted to the hospital due to medication related problems. From 2000 to 2008 the percent of Americans who use at least one prescription drug in the past month increased to 48 percent, while the percent of Americans using at least five prescription drugs increased to 11 percent. There are many things that lead to adverse drug events, including: more drugs on the market; poor monitoring and follow up; guidance that does not apply to the particular patient; and very short office visits and consultations. Kentucky ranked fourth in prescriptions per capita in 2009. In an interesting parallel, Kentucky also ranked fourth in body mass index.

In response to a question by Senator Leeper, Dr. Antimisiaris said that the market increase in medications goes along with advertising of medications.

In response to a question by Senator Leeper, Dr. Antimisiaris said that every drug has potential side ef-

fects and resistance to the drug is the main reason for the decline in the use of antibiotics.

In response to a question by Representative Lee, Dr. Antimisiaris said that for every dollar spent up front, eight dollars can be saved in the end. Spending up front to save money in the end is the key. Dr. Wheeler commented that patients who identify with certain doctors have better outcomes and pay less.

The meeting was adjourned at 4:40 p.m.

## **TASK FORCE ON THE PENAL CODE AND CONTROLLED SUBSTANCES ACT**

### **Minutes of the 6th Meeting of the 2010 Interim**

November 16, 2010

#### **Call to Order and Roll Call**

The 6th meeting of the Task Force on the Penal Code and Controlled Substances Act was held on Tuesday, November 16, 2010, at 9:00 AM, at the Administrative Office of the Courts Conference Room, Millcreek Park, Frankfort, KY. Senator Tom Jensen, Chair, called the meeting to order, the secretary called the roll, a quorum was present, and the minutes of the October 19, 2010 meeting were approved.

#### **Present were:**

Members: Senator Tom Jensen, Co-Chair; Representative John Tilley, Co-Chair; J. Michael Brown, Tom Handy, John D. Minton, Jr., J. Guthrie True, and Tommy Turner.

Guests: Charles Zoeller; Commissioner LaDonna Thompson, Rodney Ballard, and Tammy Lou Johnson, Kentucky Department of Corrections; Travis Fritsch, Mary Byron Project; Gary Gilkison and Marshall Long, Kentucky Jailers Association; Jenifer Noland, Westcare; Sherry Currens, Kentucky Domestic Violence Association; Ray Sabbatine; Emily Koyagi, Mark Mangeot, Justice and Public Safety Cabinet; Carl Boes, Kentucky Association of Regional Programs; Chris Cohron, Warren County Commonwealth's Attorney; Ernie Lewis, Kentucky Association of Criminal Defense Lawyers; Chad Harpole, Kentucky Chamber of Commerce; Gay Dwyer, Kentucky Retail Federation, Dan Smoot, UNITE; Bill Thompson, CRCCC; Roger Crittenden, Franklin County Circuit Judge; Mike Simpson, Oldham County Jailer; Bobby Waits, Shelby County Jailer; Diana Taylor, Taylor-Gray Associates; Lindsay Crawford and Virginia Woodward, Crime Victims Compensation Board; and Joe Williams, Kentucky State Police.

LRC Staff: Norman Lawson Jr., Jon Grate, Joanna Decker, Ray Debolt, Jr., and Rebecca Crawley.

Presentation on the Department of Corrections' New Risk and Needs



## Assessment Tool

The first speaker was Dr. Elizabeth McKune, Assistant Director for Psychological Services, Division of Mental Health and Substance Abuse, Kentucky Department of Corrections. Dr. McKune testified about the Level of Service/Case Management Inventory (LS/CMI) risk/needs assessment tool used by the Department of Corrections, based initially on a federal grant to provide services for female offenders reentering the community. The LS/CMI is a peer reviewed and professionally validated comprehensive risk/needs assessment tool designed in Canada and used throughout the world. It is divided into eleven sections designed to supply a complete picture of an offender's criminogenic needs in order to provide for treatment needs and details for successful completion of probation or parole, as well as institutional treatment.

Principles of effective treatment include measurement of risk to assist in the level of service needed, need for assessing targets of change in a defendant's attitudes, and responsiveness which identifies the strategies to be used for treatment. The goal is to match the level of services to the level of risk and to prioritize supervision and treatment resources for high-risk offenders. Studies have indicated low-risk offenders need less supervision and may not need treatment programs, while medium and high-risk offenders may need more supervision and targeted treatment.

Dr. McKune indicated traditional punishment increased recidivism by seven percent and inappropriate treatment increased recidivism by six percent, while appropriate treatment reduced recidivism by 30 percent. Programs used deal with dynamic items relating to pro-criminal attitudes, criminal associates, dysfunctional family relations, alcohol/drug problems, low self-control, education/employment, and leisure/recreation and use active listening skills, and advanced motivational techniques to lessen the offender's risk of reoffending, thus improving public safety.

Dr. McKune said the Department of Corrections is in the process of training 842 probation and parole officers and institutional staff to use the LS/CMI assessment tool and design appropriate treatment programs for offenders. The training began in August 2010 and so far, 400 employees have completed the training. All staff will be trained by April 1, 2011. Presently, the program is targeted at offenders scheduled for parole and who are released on parole. It is the department's long-term goal to use the program much earlier in the criminal justice process so a judge will have the information during sentencing

or when making during decisions for pretrial release. In response to a question about whether the LS/CMI information is shared with the prosecution and the defense, Dr. McKune responded at this time the information is provided only to offenders eligible for or on parole. She said the department hopes eventually the LS/CMI will be used as a supplement to or replacement for the presentence investigation report currently prepared by probation and parole officers and presented to the court prior to sentencing.

Senator Jensen questioned the use of some of the information in the LS/CMI during pretrial release decision making because the rights of the defendant could be compromised. He said he normally cautions defendants not to speak to anyone during the pretrial phase of proceedings. Mr. True asked about the educational level of probation and parole officers and the training they receive on the LS/CMI, and Dr. McKune responded all probation and parole officers have college degrees, and as a part of training have to complete written and practical testing involving the LS/CMI assessment. If the officer fails the first time, there are two weeks of remediation, and if the officer fails again, the entire training program must be repeated. The department anticipated a 20 percent failure rate but so far only a handful of the 400 employees have had to repeat the training. Mr. Handy asked what happens when the offender does not want to change and does not make progress. The response was that the officers and institutional staff are trained to look into the cause of the problem and develop strategies to help the offender change their behavior. Tammy Lou Johnson, Department of Corrections, described various techniques used to motivate the offender. Lisa Howard, Division of Probation, DOC, said use of the LS/CMI could reduce recidivism by 40 percent, and over time could reduce the prison population by 3,000 to 4,000. Chief Justice Minton offered the cooperation and assistance of the court system in expanding use of the LS/CMI to earlier in the trial process.

Presentation of New Ideas for the Draft Policy Framework

The next speakers were Jason Newman and Richard Jerome, PEW Center on the States, and Peter Ozanne, Crime and Justice Institute, who discussed PEW's recommendations to the task force and indicated PEW will be conducting cost assessments for each of the recommendations. The recommendations include (1) Require the Parole Board to hear cases 90 days prior to the parole eligibility date; (2) Improve the Parole Board's deferment process; (3) Cod-

ify the budget provision that allows parolees to complete programming in the community; (4) Define success as recidivism reduction; and (5) Require a certificate of need on new jail cells. Mr. Newman said other suggestions under consideration were to reform the nonsupport and flagrant nonsupport statutes. Warren County Commonwealth's Attorney Chris Cohron commented on a successful partnership between the County Attorney and Commonwealth's Attorney to increase child support collections and reduce the number of persons jailed or sent to prison for nonsupport. He said the Commonwealth's Attorney does not have jurisdiction to collect child support and must support the civil collection efforts of the County Attorney.

Mr. John Hicks, State Budget Office, said statutory changes would be needed to accomplish these goals because the language in the budget suspended present statutes. Mr. Handy said many of the recommendations required use of the LS/CMI risk/needs assessment to measure success.

Judge-Executive Turner discussed the use of incarceration for failure to pay fines and court costs. He suggested a credit of \$50 per day be used for each day of incarceration toward satisfying the fine or costs. Mr. Handy observed that it goes against logic to spend more money to collect less money.

The members discussed the following recommendations:

(1) Expand medical parole to release terminally ill inmates or disabled inmates from prison who pose no risk to society and place them in other settings, and Judge-Executive Turner suggested using similar programs in county jails both prior to trial and for sentenced inmates to reduce medical costs for counties.

(2) Use a web-based portal to provide key information to courts regarding the offender risk/needs assessment, the expected time to be served by the offender as indicated by statistics for other offenders, and the likelihood for reoffending attendant to the use of various sentencing options.

(3) Centralize restitution information and providing incentives for the collection of restitution. Mr. Newman said the Administrative Office of the Courts is developing a program to collect and centralize restitution orders and collection information.

(4) Require the Department of Corrections to implement mandatory reentry supervision for inmates who would otherwise be released without supervision or oversight because they have completed their sentences. Members discussed the

benefits and detriments of whether this supervision should occur prior to or following the serve out of the offender's sentence. Supervision for persons who had already served their sentence could only be applied to persons who are convicted after a change in the statutes while supervision prior to release could be implemented at any time. Discussion centered on the length of time the person would be released prior to the expiration of sentence, potential penalties for failure of supervision, and reaction of the public to releasing potentially violent offenders prior to the end of their sentences.

(5) Allow the Department of Corrections to conditionally discharge offenders through local jails. Secretary Brown cautioned it might not be a good idea to send potentially high risk long term inmates to county jails to mix with lesser risk inmates.

(6) Ensure that probation revocation hearings are held within a reasonable amount of time after the offender is placed in jail.

The meeting recessed at 12:15 p.m.

The meeting reconvened on Wednesday, November 17, 2010. Representative Tilley called the meeting to order, the roll was called, and a quorum was present.

Presentation and Discussion of Draft Policy Framework

Richard Jerome and Jason Newman, PEW Center on the States, and Peter Ozanne, Crime and Justice Institute, discussed the Draft Policy Framework for the Task Force on the Penal Code and Controlled Substances Act. The recommended policy options are designed to accomplish several goals. The first goal, strengthening probation and parole, would be accomplished through more informed decision-making based on the scientifically assessed risks and needs of the offenders. The second goal is to boost the chances that inmates will successfully transition to the community. This would require mandatory re-entry supervision for some inmates as well as the increased availability of community-based programs and transitional housing for those released from incarceration. Third, the recommendations included provisions to improve parole and probation supervision, including the expanded use of electronic monitoring, required use of evidence-based practices and programs to supervise offenders, reduced caseloads for probation and parole officers to place more focus on high-risk offenders, and increased offender accountability for violations of probation or parole. The fourth goal is to adopt common sense sentencing reforms by modernizing the Controlled Substances



Act to focus resources on high-level offenders and provide effective alternatives for non-violent offenders. The fifth goal, to support and restore victims, would be accomplished by providing more information to the courts and victims at sentencing regarding the offender and the expected length of actual time to be served. The policy options also included improved methods of tracking restitution. The final goal, improving government performance, includes recommendations to establish mechanisms to measure, incentivize, and ensure results in reducing recidivism and criminal behavior. Another recommended policy to accomplish this goal is to require a certificate of need from the state before a county could build new jail cells.

Mr. True said the proposal for post-incarceration supervision would have legal problems and recommended releasing inmates prior to the end of the sentence and providing for reentry supervision. Other members commented that the victim community is not in favor of releasing high risk felons prior to the end of their sentence. Mr. Handy suggested if high risk felons are released prior to the expiration of their sentence, GPS monitoring should be mandatory. Mr. True suggested felons be paroled prior to release, and that if they violate the conditions of parole, they should be returned to prison for the remainder of their sentence. Secretary Brown said supervision would benefit high risk inmates who serve out their sentences, but it may be contraindicated for low risk inmates who serve out and do not need a high level of supervision. A comment was made that Illinois uses a day reporting system for inmates released prior to the end of their sentence for a period of 6-12 months, and recidivism has been reduced by 40 percent.

With regard to supervision, use of the risk/needs assessment tool was favored by the members, and some members suggested GPS supervision for medium and high risk offenders, with accountability for violations with immediate sanctions such as used in Hawaii's Hope program.

Chief Justice Minton said probation and parole does not supervise misdemeanants in District Court except in rare instances. He asked how misdemeanor supervision would be accomplished, particularly if probation and parole officers were utilized and given authority to use intermediate sanctions. Under the current system, misdemeanor probation is under the jurisdiction of the sentencing judge and is the sole province of the court system. He said the suggestions presented become a separation of powers issue. The Chief Justice further observed that

the proposed program would require a tremendous judicial education effort, and some judges could resist transferring this responsibility to the executive branch. Judges would have to develop a trust in the probation and parole officers and would also have to become experts in evidence-based practices.

Several members observed that a tremendous investment would be needed on the front end in order for assessments and programs to work, and it is important to develop a cost estimate for each proposal. Secretary Brown commented that intermediate sanctions by probation and parole officers could be problematic. The need for probation incentives for compliance perhaps should be administered by the courts. The Chief Justice expressed his support for the probation and parole supervision proposal.

With regard to common sense sentencing provisions, it was recommended by the members that violent offender and persistent felony offender statutes be retained. With regard to quantities of drugs for presumptive drug peddling, some members felt the proposed quantities were unworkable. Mr. Handy said he favored presumptive for 1st and 2nd felony drug possession. He said it must be recognized that there is an addiction problem. Judge-Executive Turner observed that the six months that persons spend in jail prior to many trials is detrimental to the arrestee and does not comport with the risk/needs assessment and level of supervision proposals that have been presented. The members indicated they were not interested in general penal code reform.

Mr. Handy questioned the accuracy of the drug offense data presented to the task force and hoped a more thorough review of the case data would provide better information. He suggested using a circumstances test to better show trafficking versus peddling, including amount of drug purchased, number of purchases, possession of drug records, drug manufacture, willingness to accept treatment, willingness to identify drug suppliers, and other factors, and suggested the use of the rocket docket where early plea bargains are encouraged to reduce pretrial incarceration and make treatment available to addicts earlier. Secretary Brown indicated a need for long term treatment to break the cycle of addiction and suggested looking at the definitions and penalty for trafficking. Representative Tilley observed that existing programs are full and that more resources and seed money are necessary and additional capacity is needed for both supervision and treatment.

Representative Tilley told the

members that a bill relating to making pseudoephedrine a prescription drug has been prefiled, and other legislation relating to a precursor block list may be filed. He suggested that the task force not address these issues because they will be handled separately during the 2011 session.

With regard to changes in the nonsupport and flagrant nonsupport laws, Chief Justice Minton agreed this is a vexing problem and probably should be considered separately at a later date. Other members agreed, and PEW agreed to withdraw the proposal.

With regard to the expansion of medical parole, Secretary Brown indicated he favored the proposal that had been introduced at previous sessions. Mr. Handy commented that a thorough risk/needs assessment needed to be done on persons released on medical parole and that a mistake such as Scotland's release of the Lockerbie bomber could endanger public confidence in the concept. Representative Tilley suggested the bill include a proposal for reincarcerating the person if their condition improved. Judge-Executive Turner suggested the bill be expanded to allow medical release of persons confined in county jails both prior to trial and after conviction.

There was general approval from the members about improving the collection of restitution and improving the provision of information regarding sentencing to crime victims. Suggestions were made for incentives to clerks and county attorneys for improving child support collection. There was some concern that current financial conditions could make immediate implementation of some treatment and education programs difficult and suggested legislation might include a phase-in period with a delayed effective date. There was support for incentivizing programs which had positive results and holding providers accountable for program results.

With regard to providing sentencing cost information to judges, Chief Justice Minton reported that information in the press relating to requirements in Missouri for judges to use costs as a guide to sentencing was inaccurate. Several members were concerned that requiring recidivism information and other types of information during the sentencing phase of a trial might create a set of appellate issues relating to whether the judge had properly used the information in any given case. Representative Tilley said that the provision of cost information for pieces of legislation relating to crimes and punishments would be useful and should be provided. Mr. Jerome said that Virginia has a strict financial im-

pact requirement that requires the sponsor of criminal justice legislation to not only identify costs and savings, but to also identify where the funds will come from to provide for additional costs. Representative Tilley commented that sometimes the sponsor of the legislation would have only a short period of time to prepare the impact information. Judge-Executive Turner said accuracy of corrections impact statements is crucial, particularly where costs to local government are involved in a legislative proposal.

With regard to the certificate of need proposal for jails, Judge-Executive Turner indicated the County Judge-Executives Association has supported this legislation for years. Secretary Brown also indicated his support for the proposal.

Discussion then turned to suggestions that were not included in the Draft Policy Framework. Mr. True asked that information be gathered on the impact of the persistent felony offender statute and the violent offender statute and use of both statutory enhancements and the persistent felony offender statute to create a double enhancement. Representative Tilley urged inclusion of the Department of Public Advocacy's social worker program. District Judge Hunter Whitsell from Fulton County indicated he supported the idea for a Class E felony with presumptive probation and with expungement of the felony record for Class E felonies, which he said would have a favorable impact on recidivism. Ms. Sherry Currens from the Kentucky Domestic Violence Association recommended reintegration programs for persons being released from prison and the consideration of whether an offender posed a higher risk to a particular victim as opposed to a lower risk to the public at large, and urged continued funding of the VINE victim notification program. Representative Tilley recommended expanding use of Community Mental Health Centers to provide community based services to offenders.

The meeting adjourned at 12:15 p.m.

## **INTERIM JOINT COMMITTEE ON TRANSPORTATION**

### **Minutes of the 5th Meeting of the 2010 Interim**

November 16, 2010

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Transportation was held on Tuesday, November 16, 2010, at 10:00 AM, in Room 149 of the Capitol Annex. Representative Hubert Collins, Chair, called the meeting to order, and the secretary called the roll.

Present were:



Members: Representative Hubert Collins, Co-Chair; Senators Walter Blevins Jr., David E. Boswell, Jimmy Higdon, Bob Leeper, John Schickel, and Damon Thayer; Representatives Eddie Ballard, Linda Belcher, Tim Couch, Will Coursey, Jim DeCesare, Richard Henderson, Melvin B. Henley, Lonnie Napier, Tanya Pullin, Marie Rader, Sal Santoro, Arnold Simpson, Fitz Steele, Jim Stewart III, Tommy Turner, and Alecia Webb-Edgington.

Guests: Secretary Mike Hancock, Kentucky Transportation Cabinet; Tammy Branham, Executive Director, Office of Budget and Fiscal Management, Kentucky Transportation Cabinet; Kimberly Jenkins, Legislative Liaison, Kentucky Transportation Cabinet; Tom Zawacki, Commissioner, Department of Vehicle Regulation, Transportation Cabinet; Angela Evans, Attorney, Office of the Attorney General.

LRC Staff: John Snyder, Brandon White, Dana Fugazzi, and Jennifer Beeler.

Update on design-build projects  
Mike Hancock, Secretary, Transportation Cabinet stated that design-build projects are different from normal project activity, where projects are designed in one stage, then carried into the utility and right-of-way phases, and lastly bid for the construction phase. Design-build projects involve one bid encompassing all phases of a project from design through construction. He described the 9 design-build projects in Fayette, Warren, Taylor, Whitley, Hardin, Trigg, Wolfe, Cumberland, and Garrard counties, totaling approximately \$258 million. These projects have either been completed or at an advance stage of completion. Work on one proposed design-build projects, in Whitley County, was cancelled.

Representative Collins asked if the Cabinet had analyzed any savings or time involved in completing the projects. Secretary Hancock stated that design-build works best with there are no utility or right of way issues. This type of project can also be quicker and cheaper than traditional methods in those circumstances.

Representative Collins asked how bids compared with the estimated cost of the projects. Secretary Hancock said that once the projects had been awarded, the Cabinet was satisfied that the work was going to be done within the estimated cost.

Representative DeCesare asked how many projects had begun and been completed within the current administration. Secretary Hancock stated that all projects were awarded during the previous administration. The first project was completed in May, 2008.

Representative DeCesare asked about the Cabinet's future plans for

design-build projects. Secretary Hancock stated that design-build projects are very useful and the General Assembly has been very deliberate about giving the Cabinet the opportunity to participate in design-builds. The Cabinet would like the opportunity to participate in more design-build projects.

#### Road Fund Revenue Update

Tammy Branham, Executive Director, Office of Budget and Fiscal Management gave a brief discussion of the Fiscal Year 2011 estimated Road Fund compared to Fiscal Year 2010 actual revenue. FY 2011 revenue is projected to increase by 4.9 percent over FY 2010 when broken down into three categories motor fuel tax is estimated to increase by 3.8 percent, the motor vehicle usage tax, 9 percent growth and the other taxes 1.9 percent growth.

Ms. Branham stated that through October the FY 2011 actual road fund revenue that has been collected totals approximately \$439 million. The official revenues estimate for FY 2011 is approximately \$1.265 billion. The actual revenue through October exceeds the revenue estimate by over 4 percent.

Representative Henley asked how much of the extraordinary increase in the motor vehicle usage tax collections would be attributed to the program authorized for giving trade in allowance credit for new motor vehicle purchases. Ms. Branham stated that the state hit the \$25 million cap allotted to the trade in credit in August 2010.

Ms. Branham quoted the Governor's Office for Economic Analysis First Quarter report regarding the motor vehicle usage tax stating it is expected that the tax will rebound strongly through the end of the fiscal year due to the expiration of legislation which depressed collections in FY 2010.

Secretary Hancock said that growth in the road fund in the first few months of FY 2011 indicated that there might be some additional authority to spend state funds faster than originally expected. Included in the road plan were \$325 million of state fund ability to spend.

Representative Pullin asked whether the savings from the furloughs of Transportation Cabinet employees were included. Ms. Branham stated that the figures were based strictly on road fund revenue collections.

Representative Pullin asked if the savings that accrue from the Transportation Cabinet employee furloughs accrued to the General Fund or to the Road Fund. Ms. Branham stated that the savings go to the Road Fund, and even though those numbers were not depicted in the

new revenue collection numbers, the savings that will result are included in the Cabinet's Road Fund cash projections.

Representative Henderson asked what had been causing a spike in increased revenue on the motor vehicle usage tax. Ms. Branham stated that there has not been large growth in the motor vehicle usage tax thus far this fiscal year. There is an anticipation of growth compared to last fiscal year will rebound from this point forward, partly because the trade in credit expired.

Representative Stewart asked how many projects in the two year road plan are ahead of schedule. Secretary Hancock stated that last year there was \$800 million worth of work awarded, and this year the cabinet is on target to award almost \$900 million worth of work. Every project is subject to its own unique circumstances, and any project has the potential to get behind based on situations happening out of the plan.

Consideration of the Committee's September 7, 2010 and October 1, 2010 Minutes

Representative Pullin moved to amend the minutes from the September 7, 2010 meeting to include her question asking Secretary Hancock whether the savings accruing from the Transportation Cabinet employees went to the General Fund or the Road Fund, with his answer being to the Road Fund. The motion was seconded by Representative Henderson. Representative Henderson moved to approve the minutes as amended. The motion was seconded by Senator Boswell and adopted by voice vote.

Representative Ballard introduced Todd P'Pool, the re-elected county attorney from Hopkins County; Shawn Roberts, the newly elected member of the Hopkins County Fiscal Court; Dave Jackson, Mayor-elect in Madisonville; and Ben Wade, State Representative-elect from the 10th district.

Transportation Cabinet Legislative Priorities for the Upcoming Session

Kimberly Jenkins, Legislative Liaison discussed new legislation that the Transportation Cabinet plans on pursuing during the 2011 session. The first is enhanced booster seat legislation. The federal government recommends children under the age of 8 and under 57 inches in height be restrained in a booster seat. Current Kentucky law is that any child under the age of 7 and who is between 40 and 50 inches in height be properly secured in a booster seat. About 60 percent of car-related injuries to children are due to being improperly secured in a booster seat.

Representative Collins asked if

there were any monetary incentives. Ms. Jenkins stated that the federal government will supply the state with \$250,000 that will be used to purchase booster seats for low income families. The money was not the reason the cabinet was pursuing this change.

The second piece of legislation is the Plate to Customer (P2C) legislation, which would change Kentucky from a Plate to Vehicle (P2V) registration titling system to a P2C with the implementation of KAVIS. Current law states that when a vehicle is sold, the registration plate remain with the vehicle. With the implementation of this legislation, the registration and license plate would stay with the customer to either be used for a replacement vehicle or surrendered to the local county clerk.

Representative Webb-Edgington asked whether, when a law enforcement officer runs a tag with the new system and the plate follows the owner, the plate will be updated to correspond with the new vehicle and how long will it take for that information to be entered into the database. Tom Zawacki, Commissioner, Vehicle Regulation said that when a person purchases a vehicle from a dealership and the customer has a plate from a previous vehicle, he or she must hold a temporary tag until that person can go to the local county clerk's office and get the registration switched to the new vehicle.

Representative Webb-Edgington asked if the new database will be updated in a timely fashion so that law enforcement will know what vehicle corresponds with a particular license plate. Mr. Zawacki stated that the new vehicle that is tagged with the plate that follows the customer will be associated with that tag.

Representative Henderson asked if going P2C would reduce the time it would take to register a license plate to a new vehicle and reduce the amount of temporary tags there are on vehicles. Mr. Zawacki stated that with P2C that license plate would always stay with that customer, so there would be less of a lag in registering that plate with a new vehicle.

Senator Leeper asked how to correct the problem of Kentucky vehicle owners with farm tags driving into Illinois and failing to comply with the International Fuel Tax Agreement (IFTA) requirements of that state. Rick Taylor, Deputy Commissioner, Vehicle Regulation, stated the general Kentucky farm tag is valid on a vehicle up to 38,000 pounds. IFTA states that a qualified motor vehicle is determined by the gross vehicle weight rating of that vehicle or the registered weight of that vehicle. Kentucky farm tag vehicles have a registered weight of 38,000 pounds,



and the IFTA requirement applies above 26,000 pounds. Illinois does not exempt farmers from the fuel tax license, as Kentucky does, and is citing some Kentucky farmers with the Kentucky farm tag. The cabinet is proposing to look into the issue and maybe add an additional class within a farm tag so that these farmers will no longer get cited out of Kentucky.

Representative Simpson asked where the cabinet was on the proposal to replace the Brent Spence bridge in Northern Kentucky. Secretary Hancock stated that the bridge project is in the preliminary engineering stage and are making sure that options that are being proposed for this bridge are options that work best for Kentucky.

Representative Simpson asked when the Cabinet will be in a position to make a recommendation for the project. Secretary Hancock stated that the biggest issue is available funding. A recommended alternative could probably come in several months. The ability to fund the project is going to be the ultimate issue.

Consideration of Referred Administrative Regulations

Representative Belcher asked 201 KAR 40:050, where language requiring a criminal records check was being deleted. Angela Evans, Assistant Attorney General stated that the language is currently in statute and is not required to be in regulation.

After a brief discussion, the Committee raised no objections to the following regulations: 201 KAR 40:040, 201 KAR 40:050, 201 KAR 40:060, 201 KAR 40:070, 201 KAR 40:080, 201 KAR 40:100.

The chairman acknowledged Senator Boswell and Representative Ballard in their last meeting on the Transportation Committee and noted the committee's appreciation of both members. Senator Boswell and Representative Ballard expressed their pleasure and honor to be able to serve on this committee and their gratitude at having been able to serve their constituents.

## **INTERIM JOINT COMMITTEE ON VETERANS, MILITARY AFFAIRS, AND PUBLIC PROTECTION**

### **Minutes of the 4th Meeting of the 2010 Interim**

November 22, 2010

Call to Order and Roll Call

The 4th meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection was held on Monday, November 22, 2010, at 3:00 PM, in Greenup County. Representative Tanya Pullin, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Tanya Pullin, Co-Chair; Senators Perry B. Clark, Denise Harper Angel, Dan "Malano" Seum, and Jack Westwood; Representatives Dwight D. Butler, Mike Cherry, Larry Clark, Leslie Combs, Tim Couch, Ron Crimm, Robert R. Damron, Myron Dossett, Bill Farmer, David Floyd, Terry Mills, Fred Nesler, Tom Riner, Charles Siler, John Tilley, and Alecia Webb-Edgington.

Guests: Colonel Robert D. Peterson, District Commander, U.S. Army Corps of Engineers; Colonel Steve Bullard, Kentucky Department of Military Affairs; Tim Vaughn, Director of External and Regulatory Affairs, Patrick Jennings, KY 811 Call Center; Stephanie Bell, Legislative Liaison, Jeff Derouen, Public Service Commission; Annette DuPont-Ewing, Executive Director, Kentucky Municipal Utilities Association; Gary Larimore, Executive Director, Kentucky Rural Water Association; Bill May, Patricia Hieneman, Chris Jobe, Kentucky County Clerks Association; and Forest Skaggs, III, Executive Director, Kentucky Telephone Association.

LRC Staff: Erica Warren, Tiffany Opii, and Rhonda Schierer.

Minutes

Co-Chair Pullin asked members to review the October 14th meeting minutes for approval. Representative Floyd moved to adopt the minutes. Representative Couch seconded the motion. The minutes were adopted by a voice vote.

U.S. Army Corps of Engineers, Huntington District

Colonel Robert D. Peterson, District Commander, gave a power point presentation on the Huntington District Kentucky Projects. Col. Peterson briefed the committee on the Greenup County Locks and Dam to include the miter gate anchor arm failure and the economic impacts of the lock outage during January and February of 2010, the 2009-10 Kentucky flood events, the Kentucky Section 202 Program, the Huntington District Kentucky levees, the Ohio River Basin Comprehensive Recon, and the Drought Contingency Plan gage updates.

In response to Chair Pullin's question, Col. Peterson stated that the current status of enlarging the dam is that it is a slow process due to funding and no funding in FY11 and that there are at least six projects that would receive funding before the Greenup Dam.

Military Family Assistance Trust Fund Administrative Regulation: 106 KAR 2:020

Colonel Steve Bullard, Kentucky Department of Military Affairs was on hand to answer questions per-

taining to the Administrative Regulation. The committee reviewed the regulation but took no action.

811 Call Before you Dig

Tim Vaughn, Director of Regulatory and External Affairs, gave a power point presentation on the Kentucky 811 Call Center. Patrick Jennings was present to answer questions. Mr. Vaughn described the Kentucky "Call Before You Dig Law," the responsibilities of operators, the duties of the protection notification center, the responsibilities of excavators, and the Common Ground Alliance best practices. Mr. Vaughn concluded that there are exemptions from the Kentucky 811 Call Before You Dig for homeowners, agriculture, and coal.

Jeff Derouen, Executive Director, and Stephanie Bell, Legislative Liaison, Kentucky Public Service Commission (PSC), gave a power point presentation on improving protection of underground utility lines in Kentucky. Mr. Derouen stated that the PSC, with the exception of underground lines, has no regulatory role in protecting buried utility facilities in Kentucky. Kentucky does not require utilities to become members of a statewide 811 system, and PSC believes the current system is not the most efficient or effective way to locate, identify, and protect underground utilities. He stated that the PSC cooperated extensively with Kentucky 811 on education and outreach. He stated that federal regulations require all natural gas utilities to join 811 and PSC checks for membership during regular inspection. Mr. Derouen stated that the PSC believes 811 membership should be mandatory for all utility providers, not just natural gas systems, and that if more utility facilities are placed underground, it will become increasingly important that the location of those facilities be available to the Kentucky 811 Call Center. In conclusion, Mr. Derouen discussed how the consequences of hitting a buried utility line go beyond the damage to the lines and cost of repairs.

Annette DuPont-Ewing, Executive Director, Kentucky Municipal Utilities Association, spoke on the association's stance on the 811 Call Before You Dig. Ms. DuPont-Ewing stated that their members are appointed by elected officials and while they fully support 811 Call Before You Dig, their members do not want membership to be mandatory.

Gary Larimore, Executive Director, Kentucky Rural Water Association, discussed their opposition of mandatory membership to the Kentucky 811 Call Before You Dig Program. Mr. Larimore stated that the Kentucky Rural Water Association members prefer continuing educa-

tion for the public.

Bill May, Patricia Hieneman, and Chris Jobe, Kentucky County Clerks Association, came before the committee to answer questions about how the 811 Call Before You Dig law affected the county clerks. In response to Chair Pullin's question, Mr. May stated that the county clerks have not received any calls to date, despite the fact that the law is designed to require a call to a county clerk to get a list of non-811 members utilities for purposes of notification.

Forest Skaggs, III, Executive Director, Kentucky Telephone Association (KTA), told the committee that Kentucky 811 is an associate member of the Kentucky Telephone Association and that his association has worked with Kentucky 811 but that the KTA members do not like the idea of mandatory membership.

Chair Pullin announced that the committee's December meeting would be on the 7th at 1:00, in Room 154 of the Capitol Annex.

There being no further business, the meeting adjourned.

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

Minutes

**November 16, 2010**

Call to Order and Roll Call

The Capital Projects and Bond Oversight Committee met on Tuesday, November 16, 2010, at 1:00 PM, in Room 169 of the Capitol Annex. Senator Bob Leeper, 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; Senators Julian M. Carroll and Elizabeth Tori; Representatives Robert R. Damron, Steven Rudy, and Jim Wayne.

Guests: John Hicks, Governor's Office of Policy and Management; Donald Dott, Jr., Kentucky State Nature Preserves Commission; Scott Aubrey, Finance and Administration Cabinet Division of Real Properties; Debby Milton, Kentucky Infrastructure Authority; Katie Smith, Cabinet for Economic Development; Representative Wilson Stone; Richie Sanders, Allen County Industrial Development Authority; and Brett Antle, Office of Financial Management.

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

Approval of Minutes for October 19, 2010

Representative Rudy made a motion to approve the minutes of the October 19, 2010, meeting. The motion was seconded by Senator Carroll and approved by voice vote.



#### Correspondence Items

Senator Leeper asked Kristi Culpepper, Staff Administrator, to discuss correspondence items. Ms. Culpepper said members' folders contained two items of correspondence. The first item of correspondence was a notice of advertisement from the Finance and Administration Cabinet related to a proposed lease for the Department for Workforce Investment in Covington, Kentucky. The second item of correspondence was a letter from the Cabinet for Economic Development responding to questions members posed at the October 2010 meeting related to a \$3 million Base Realignment and Closure-related Economic Development Bond grant to the City of Shepherdsville for the South Bullitt Interceptor Regional Wastewater project.

#### Information Items

Ms. Culpepper said members' folders also contained several information items. She said the first three items were Energy Savings Performance Contracts (ESPCs) for Kentucky Community and Technical College System that were initiated in 2006 and 2008 and were not submitted to the committee at the time they were undertaken as required by statute. The first project was initiated in April 2006 and was for approximately \$3.7 million for the Owensboro, Bluegrass, and Elizabethtown campuses. The second project was initiated in November 2008 and was for approximately \$4.4 million for the Henderson, Hopkinsville, Bowling Green, and West Kentucky campuses. The third project was initiated in October 2008 and was for approximately \$6.5 million for the Somerset, Hazard, and Southeast Kentucky campuses.

Ms. Culpepper said the last items of information were the staff and bond market updates.

University of Louisville – Report of Unbudgeted Scientific Research Equipment

Ms. Culpepper said the University of Louisville is reporting that it has used available federal funds totaling \$3.6 million to acquire five items of scientific research equipment. Purchases of unbudgeted equipment must be reported to the Committee. No action was required.

Report of Pool Project In Excess of \$600,000 from the Finance and Administration Cabinet.

Senator Leeper asked John Hicks, Deputy Director, Governor's Office of Policy and Management, to present a report of a pool project. Mr. Hicks said that the Finance and Administration Cabinet is reporting approval of a pool project in excess of \$600,000 for the Kentucky State Nature Preserves Commission to acquire the Faulkner Tract on Pine Mountain in Whitley

County, Kentucky. The appropriation is \$810,900 of which \$412,000 will be from the Kentucky Heritage Land Conservation Fund and \$398,000 will be from federal funds. The Nature Preserves Commission, Department of Fish and Wildlife Resources, and Division of Forestry will acquire the Faulkner Tract and the property will be managed by all three agencies as a state nature preserve. No committee action was required.

Senator Leeper asked if the co-management by all three agencies is unique. Mr. Hicks said Donald Dott, Jr., Director, Kentucky Nature Preserves Commission, was available to answer the question. Mr. Dott said this is the first project of its kind to be managed by three agencies.

Representative Westrom asked what the Heritage Land Conservation Fund is and how it receives funding. Mr. Dott said that the special-issued nature license plate monies go into the Heritage Land Conservation Fund. Additionally, monies from the unmined minerals taxes and the environmental fines from the Energy and Environment Cabinet go into a pool of funds that are used for acquiring natural lands in the state. Half of the funds are available to five state agencies and the other half of the funds are available to local governments for grants to purchase land for hunting and fishing.

In response to another question from Representative Westrom, Mr. Dott said the fund receives \$3 to \$4 million annually.

Lease Reports from the Finance and Administration Cabinet

Senator Leeper asked Scott Aubrey, Assistant Director, Division of Real Properties, Finance and Administration Cabinet, to present several items related to leases. Mr. Aubrey reported four lease modifications/square footage increase of less than \$50,000 for the Department of Insurance in Franklin County (PR-3862), the Cabinet for Health and Family Services (CHFS) in Jefferson County (PR-4150); Department for Workforce Investment in Franklin County (PR-4514), and CHFS in Franklin County (PR-4742). No committee action was required.

Kentucky Infrastructure Authority Fund B loans

Senator Leeper asked Debby Milton, Financial Analyst, Kentucky Infrastructure Authority (KIA), to present two Fund B loan requests. Ms. Milton said the first item was a \$394,000 Fund B loan request for the City of Princeton in Caldwell County for the Jeff Watson Road Sewer System Rehabilitation project. The loan term is 20 years with an interest rate of one percent.

Ms. Milton said the second item was a \$1,115,000 Fund B loan

request for the City of Greenville in Muhlenberg County for construction of a new lagoon, repair to the liner of the existing lagoon, and inflow and infiltration correction. The loan term is 20 years with an interest rate of one percent.

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

#### KIA Grants

Ms. Milton indicated 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.

Economic Development (EDB) projects

Senator Leeper asked Katie Smith, Deputy Commissioner, Department of Financial Incentives, Cabinet for Economic Development, to present two items related to EDB grants. Ms. Smith said the first item was an EDB grant in the amount of \$90,000 to the City of Henderson for the benefit of North American Lighting (NAL). The grant proceeds will offset the cost of construction and equipping of an approximately 32,000 square foot injection mold fabrication facility. Pursuant to the EDB grant agreement, NAL will be required to create 47 new, full-time jobs within three years. Additionally, the company will be required to pay the 47 new jobs an average hourly wage of \$18, excluding benefits.

Senator Carroll made a motion to approve the EDB grant for NAL. The motion was seconded by Representative Westrom and passed unanimously by roll call vote.

Ms. Smith said the second item was a \$250,000 EDB grant for the Scottsville-Allen County Industrial Authority for the benefit of J.M. Smucker Company. The grant proceeds will offset the cost of constructing and equipping an approximately 20,000 square foot warehouse facility in relation to its existing 188,000 square foot manufacturing facility in Allen County. Pursuant to the EDB grant agreement, J.M. Smucker Co. will be required to create 25 new, full-time jobs within three years. Additionally, the company will be required to pay the 25 new jobs an average hourly wage of \$13.80, excluding benefits.

Senator Leeper asked why the grant was going through the Scottsville-Allen County Industrial Development Authority rather than the local government. Ms. Smith said the Mayor of Scottsville requested the grant be provided through the De-

velopment Authority rather than the local government.

Senator Carroll made a motion to approve the EDB grant for Smuckers. The motion was seconded by Representative Damron and passed unanimously by roll call vote.

Follow-up Report for Previously Approved Bond Issue – Office of Financial Management

Senator Leeper asked Brett Antle, Deputy Director, Office of Financial Management, to present a follow-up report for a previously approved bond issue. Mr. Antle said the follow-up report was for the Northern Kentucky University General Receipts Refunding Bonds, 2010 Series B. Proceeds from this bond issue will refund the university's outstanding Housing Certificates of Participation, Series 2002. The issue generated a net present savings of \$556,610. The bond issue was approved by the committee at the September 2010 meeting. No committee action was needed.

#### School Bond Issues

Mr. Antle reported two new bond issues with School Facilities Construction Commission (SFCC) debt service participation for Henderson County and Mercer County.

Representative Wayne made a motion to approve the two new bond issues with SFCC participation. The motion was seconded by Senator Tori and passed unanimously by roll call vote.

With there being no further business, Representative Rudy made a motion to adjourn the meeting. The motion was seconded and the meeting adjourned at 1:40 p.m.

### ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

#### Minutes of the November Meeting

November 9, 2010

#### Call to Order and Roll Call

The November meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, November 9, 2010, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Leslie Combs, 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 David Givens; Representatives Robert R. Damron, and Jimmie Lee.

Guests: Joe R. Cowles, Personnel Cabinet; Devon Hankins, Travis Powell, Don Speer, Finance and Administration Cabinet; Steven Clark, Angela Evans, Frances Short, Licensing Board for Specialists in Hearing Instruments; Kellie Coldiron Ellis, Michael West, Board of Speech-Language Pathology and Audiology; Nathan Goldman,



Charlotte Beason, Board of Nursing; Becky Klusch, Board of Physical Therapy; James Grawe, Frances Short, Paul M. Wingate, Board of Licensure for Occupational Therapy; Timothy Roberson, Frances Short, Board of Licensed Professional Counselors; Margaret Everson, Rocky Prichert, Department of Fish and Wildlife Resources; Peter Goodmann, Abigail Powell, Division of Water; Sean Alteri, Millie Ellis, Lora Gowins, Laura Lund, John Lyons, Bruce Scott, Andrea Smith, Division for Air Quality; Amy Barker, Debra Kays, Jonathan Milby, Department of Corrections; Morgan Sprague, Department of State Police; Kimberly Whitley, Department of Justice; Ann D'Angelo, Godwin Onodu, Transportation Cabinet; Kevin Brown, Kay Kennedy; Clay Lamb, Allen Larson, Kathie Jane Regan, Patrick Shirley, Carol Weber, Mindy Yates, Education and Workforce Development Cabinet, Bob Elkins, Chuck Stribling, Labor Cabinet; Gregory W. Goins, Johnny Greene, Office of Mine Safety; DJ Wasson, Department of Insurance; Chandra Venettozzi, Alicia Tindall, Division of Epidemiology and Health Planning.

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

The Administrative Regulation Review Subcommittee met on Tuesday, November 9, 2010, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

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

101 KAR 2:210 & E. 2011 Plan Year Handbook for the Public Employee Health Insurance Program. Joe R. Cowles, deputy executive director, Office of Legal Services, represented the cabinet.

FINANCE AND ADMINISTRATION CABINET: Office of the Secretary: Purchasing

200 KAR 5:410. Preferences for purchases of commodities or services. Travis Powell, deputy general counsel, and Don Speer, executive director, represented the office.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to delete a statutory citation; (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 Section 2 to correct a drafting error. Without objection, and with agreement of the agency, the amendments were approved.

GENERAL GOVERNMENT CABINET: Licensing Board for Specialists

in Hearing Instruments: Board

201 KAR 7:075. Continuing education requirements. Steven Clark, board chair; Angela Evans, assistant attorney general; and Frances Short, executive director, Office of Occupations and Professions, 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 add 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 through 5, 7, and 8 to comply with the drafting and format requirements of KRS Chapter 13A; and (4) to add Section 9 to incorporate by reference the required form. Without objection, and with agreement of the agency, the amendments were approved.

Board of Speech-Language Pathology and Audiology: Board

201 KAR 17:030. License fees and renewal requirements. Kellie Coldiron Ellis, Chair; Frances Short, executive director, Office of Occupations and Professions; and Michael West, assistant attorney general, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to provide for biennial renewal of licensure; and (2) to amend Section 5 to correct a minor drafting error. Without objection, and with agreement of the agency, the amendments were approved.

Board of Nursing: Board

201 KAR 20:056. Advanced practice registered nurse licensure, program requirements, recognition of a national certifying organization. Charlotte Beason, executive director, and Nathan Goldman, general counsel, represented the board.

201 KAR 20:061. Doctor of Nursing Practice (DNP) degree.

In response to a question by Senator Givens, Mr. Goldman stated that the statute [KRS 164.298] did not recognize the accrediting board for nurse anesthetists. Because it was not recognized by statute, the nursing board could not recognize it by administrative regulation.

In response to questions by Representative Damron, Ms. Beason stated that approximately seventy-five (75) percent of states offered a doctorate of nursing. A nurse with a Doctor of Nursing Practice (DNP) degree practiced in a more complex realm of patient care and research. A DNP would have the same prescriptive and treatment authority as an Advanced Practice Registered Nurse.

A statutory change was not required to expand the prescriptive and treatment authority to a DNP.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to revise a citation; (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.

201 KAR 20:062. Standards for advanced practice registered nurse (ARPN) programs of nursing.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 3 through 11 to comply with the drafting and format requirements of KRS Chapter 13A; and (2) to add a new Section 12 to incorporate by reference the required documents. Without objection, and with agreement of the agency, the amendments were approved.

Board of Physical Therapy: Board

201 KAR 22:070. Requirements for foreign-educated physical therapists. Becky Klusch, executive director, represented the board.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Licensure for Occupational Therapy: Board

201 KAR 28:010. Definitions and abbreviations. James Grawe, assistant attorney general; Frances Short, executive director, Office of Occupations and Professions, and Paul M. Wingate, board member, represented the board.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 28:130. Supervision of occupational therapy assistants, occupational therapy students, and temporary permit holders.

A motion was made and seconded to approve the following amendments: to amend Section 7 to correct minor drafting errors. Without objection, and with agreement of the agency, the amendments were approved.

Board of Licensed Professional Counselors: Board

201 KAR 36:060. Qualifying experience under supervision. Timothy Robertson, chair; Frances Short, executive director, Office of Occupations and Professions; and Jim Grawe, assistant attorney general, represented the board.

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

301 KAR 2:225 & E. Dove, wood duck, teal, and other migratory game bird hunting. Margaret Everson, assistant attorney general, and Rocky Prichert, program coordinator, represented the department.

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

401 KAR 8:100. Design, construction, and approval of facilities. Peter Goodmann, assistant director, and Julie Roney, director, Drinking Water Program, represented the division.

Division for Air Quality: Attainment and Maintenance of the National Ambient Air Quality Standards

401 KAR 51:001. Definitions for 401 KAR Chapter 51. Sean Alteri, assistant director; John Lyons, director; and Bruce Scott, commissioner, represented the division. Rusty Cress, Jr., Dinsmore and Shohl, represented the Kentucky Association of Manufacturers and appeared in support of this administrative regulation and 401 KAR 52:001.

In response to questions by Senator Givens, Mr. Lyons stated that there was a finding in 2007 that U.S. EPA needed to reconsider the Clean Air Act to add provisions for greenhouse gases. Changes to the light-duty vehicle rule caused greenhouse gases to be defined as contaminants, which in turn triggered requirements for addressing greenhouse gas contaminants for major stationary sources of air pollution. Failure of Kentucky to implement the "Greenhouse Gas Tailoring Rule" may result in U.S. EPA assuming delegation over the Division for Air Quality's permitting program. In that event, there would be approximately three (3) months with a construction ban while U.S. EPA processed Kentucky's deficiency. Litigation attempting to overturn the 2007 finding was pending; however, it was essential that Kentucky continue in the process of amending these administrative regulations in order to prevent loss of state primacy. U.S. EPA allowed states some authority to interpret definitions for terms. These administrative regulations would allow Kentucky to have state-specific definitions, which have been upheld in recent court deci-



sions. The impact would be minimal in terms of energy-efficiency requirements because most facilities had already implemented energy-efficiency technologies in order to save money. Mr. Alteri stated that the division had proposed a new definition for the term "subject to regulation" so that, if the 2007 finding were overturned, the division would no longer be required to enforce the "Greenhouse Gas Tailoring Rule."

In response to a question by Representative Damron, Mr. Cress stated that the federal government had not worked with Kentucky regarding the "Greenhouse Gas Tailoring Rule." Kentucky would be hard hit by a moratorium on construction if state delegation were lost; therefore, Kentucky needed to do what was required in order to continue to be the regulating body for the Division for Air Quality's programs. The "Greenhouse Gas Tailoring Rule" would cost between \$10,000 and \$25,000 for an engineer to review plans for permitting; however, the technology requirements would present the most cost to facilities.

Permits, Registrations, and Prohibitory Rules

401 KAR 52:001. Definitions for 401 KAR Chapter 52.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Office of the Secretary

501 KAR 6:020. Corrections policies and procedures. Amy Barker, assistant general counsel; Debra Kays, internal policy analyst II; Jonathan Milby, staff attorney; and Kimberly Whitley, warden, represented the office.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 6:090. Frankfort Career Development Center.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Kentucky State Police: Sex Offender Registration System

502 KAR 31:020. Sex offender registration system. Morgain Sprague, counsel, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTO-

RY AUTHORITY paragraph to add a statutory citation; (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) amend Sections 3 through 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.

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

601 KAR 9:205. Titling of all-terrain vehicles. Ann D'Angelo, assistant general counsel, and Godwin Onodu, assistant director, represented the division.

In response to questions by Representative Lee, Mr. Onodu stated that all-terrain vehicles transferred into Kentucky and sold by nondealers were not required to have a title because some states did not require titling. The owner, not the dealer, had to be the person to apply for the title. Private sales owners would have less tax burden than owners of all-terrain vehicles purchased by Kentucky dealers; however, Mr. Onodu stated that the statute requires that it be done pursuant to this administrative regulation. The statute implicitly exempts certain all-terrain vehicles financed prior to July 1. The division agreed that the statute needed to be amended to close this loophole for all-terrain vehicles transferred into Kentucky and sold by nondealers.

A motion was made and seconded to approve the following amendments: to amend Section 1 to clarify applicability. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky Board of Education: Department of Education: School Administration and Finance

702 KAR 3:246. School council allocation formula: KETS District Administrative System Chart of Accounts. Kevin Brown, general counsel, and Kay Kennedy, director, Division of District Support, represented the department.

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; (2) to amend Sections 1 through 5, 7, 8, 11, and 12 to comply with the drafting and format requirements of KRS Chapter 13A; (3) to amend Section 1 to clarify the definition for "district

average certified teacher's salary"; and (4) to amend Section 3 to delete erroneous accounting codes listed for district-wide expenditures. Without objection, and with agreement of the agency, the amendments were approved.

Pupil Transportation

702 KAR 5:110. Vocational pupils, reimbursement for.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to define "vocational school"; (2) to amend Sections 2, 3, 7, 8, 9, and 12 through 16 to comply with the drafting and format requirements of KRS Chapter 13A; and (3) to amend Section 15 to incorporate by reference the required form. Without objection, and with agreement of the agency, the amendments were approved.

Department of Workforce Investment: Office of Vocational Rehabilitation: Administration

781 KAR 1:040. Rehabilitation technology services. Kathie Jane Regan, program administrator; Patrick Shirley, staff attorney; and Carol Webber, branch manager, represented the office.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add a citation; and (2) to amend Sections 3, 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.

Office of Employment and Training: Unemployment Insurance

787 KAR 1:320. Priority of deductions from benefits. Clay Lamb, staff attorney, and Allen Larson, director, Unemployment Insurance, represented the office.

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; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to correct typographical errors. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Department of Workplace Standards: Division of Occupational Safety and Health Compliance: Division of Occupational Safety and Health Education and Training: Occupational Safety and Health

803 KAR 2:318. Electrical. Bob Elkins, safety standards specialist, and Chuck Stribling, federal - state coordinator, Office of Safety and Health, represented the division.

In response to a question by Senator Givens, Mr. Stribling stated

that these administrative regulations redefined terms to reference the state counterparts of federal organizations. The only substantive changes were to the requirements regarding cranes and derricks.

803 KAR 2:400. Adoption of 29 C.F.R. 1926.1, 1926.4, and 1926.6.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph to correct statutory citations. Without objection, and with agreement of the agency, the amendment was approved.

803 KAR 2:402. General safety and health provisions.

803 KAR 2:411. Scaffolds.

803 KAR 2:412. Fall protection.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to delete a definition for a term that is not used in this administrative regulation; (2) to amend Section 3 for clarity; and (3) to add Section 4 to incorporate by reference the "Non-mandatory Sample Fall Protection Plan for Residential Construction." Without objection, and with agreement of the agency, the amendments were approved.

803 KAR 2:413. Subpart N-helicopters, hoists, elevators, and conveyors.

803 KAR 2:414. Motor vehicles, mechanical equipment, and marine operations.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph to correct citations. Without objection, and with agreement of the agency, the amendment was approved.

Occupational Safety and Health

803 KAR 2:417. Steel erection.

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 the STATUTORY AUTHORITY paragraph and Sections 1 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.

803 KAR 2:418. Underground construction, caissons, cofferdams, and compressed air.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add a statutory citation; (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 and 2 to comply with the draft-



ing and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

803 KAR 2:419. Adoption of 29 C.F.R. Part 1926.850-860.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to insert 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 Section 1 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

803 KAR 2:421. Adoption of 29 C.F.R. Part 1926.950-960.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to insert 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 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.

803 KAR 2:423. Adoption of 29 C.F.R. Part 1926.1050-1060.

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

803 KAR 2:430. Appendix A to 29 C.F.R. Part 1926.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add 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 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.

803 KAR 2:505. Cranes and derricks in construction.

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

803 KAR 2:550. Cranes and derricks used in demolition and underground construction.

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

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

805 KAR 3:100. Equipment use and operations. Gregory W. Goins, accident investigator, and Johnny Greene, executive director, represented the department.

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 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: Life Insurance and Annuity Contracts

806 KAR 15:090. Notice of rights as an owner of a life insurance policy. D. J. Wasson, staff assistant, represented the division.

Division of Kentucky Access: Liability Self-insurance Groups

806 KAR 46:011. Repeal of 806 KAR 46:010.

806 KAR 46:040. Forms for application and financial statements.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Health Policy: Data Reporting and Public Use Data Sets

900 KAR 7:030. Data reporting by health care providers. Chandra Venetozzi, health data administrator, represented the office.

Department for Public Health: Division of Epidemiology and Health Planning: Communicable Diseases

902 KAR 2:060. Immunization schedules for attending day care centers, certified family child care homes, other licensed facilities which care for children, preschool programs, and public and private primary and secondary schools. Dr. Kraig Humbaugh, epidemiologist, and Alicia Tindall, immunization specialist, represented the division.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to add a statutory citation; (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 the TITLE and Sections 1 through 5 to comply with the drafting and format requirements of KRS Chapter 13A; and (4) to amend Section 2(3)(a) to clarify TDAP immunization schedule requirements. Without objection, and with agreement of the agency, the amendments were approved.

Department for Medicaid Services: Division of Healthcare Facilities Management: Medicaid Services

907 KAR 1:012 & E. Inpatient hospital service coverage. Trista Chapman, pharmacy coordinator, and Stuart Owen, regulation coordinator, represented the division. Teresa Camfield, executive director, Kentucky Medical Equipment Suppliers Association (KMESA), appeared in opposition to 907 KAR 1:479 & E.

In response to questions by Representative Lee, Mr. Owen stated that Medicaid would not reimburse a medical facility or doctor for treatment for a hospital-acquired illness. A medical facility or doctor would be unable to request payment from a patient for services for treatment for a hospital-acquired illness that was not payable by Medicaid.

Senator Givens thanked the division for working to reduce long-term costs and minimize unintended consequences.

In response to a question by Representative Damron, Mr. Owen stated that the total savings for all efficiency measures approximated forty (40) to fifty (50) million dollars annually, including federal and state savings.

Representative Lee stated that,

while there were potential savings from the efficiency measures, there was also a potential loss to medical facilities and doctors until best medical practices eliminated hospital-acquired illnesses.

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 Sections 1 through 4 and 6 to comply with the drafting and format requirements of KRS Chapter 13A; and (3) to amend Section 4 to specify that hospitals shall not seek payment for, rather than bill, for treatments for or related to never events. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:015 & E. Payments for outpatient services.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 2, 6, and 9 to comply with the drafting and format requirements of KRS Chapter 13A; and (2) to amend Section 9 to change the edition dates of the material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:019 & E. Outpatient pharmacy program.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY 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; (3) to amend Sections 1 through 9, 11, and 13 to comply with the drafting and format requirements of KRS Chapter 13A; (4) to amend Section 4 to specify requirements for pharmacists when prescribers telephone prescriptions; (5) to amend Section 5 to specify how to determine costs; (6) to amend Section 6 to allot the same timeframes for individuals as drug manufacturers for presenting to the Drug Management Review Advisory Board; (7) to amend Section 13 to update one of the forms incorporated by reference; and (8) to amend Section 2(5) to establish when the department shall cover diabetic supplies under the department's pharmacy program and under the durable medical equipment program. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:479 & E. Durable medical equipment covered benefits and reimbursement.

Ms. Camfield stated that the submission process for reimbursement for diabetic supplies through



a pharmacy instead of through a durable medical equipment vendor was incomplete and that currently a durable medical equipment vendor without a pharmacy could not process rebates because the system of codes had not been established. Mr. Owen stated that the division was working on a new system of codes for durable medical equipment vendors, but he could not give the Subcommittee a time frame when that would be usable. During the period of time until that system was established, it was possible that durable medical equipment vendors may lose patients to pharmacies that had the benefit of an existing system of codes.

In response to a question by Representative Damron, Mr. Owen stated that this administrative regulation did not prohibit durable medical equipment vendors from submitting claims for reimbursement for diabetic supplies, but the technological system was not yet in place to do the processing. The division agreed to defer; however, the emergency administrative regulation would expire before the ordinary administrative regulation could become effective if the division deferred. Mr. Owen agreed to amend this administrative regulation at the December meeting of the Interim Joint Committee on Appropriations and Revenue to provide for reimbursement for the durable medical equipment vendors.

Ms. Chapman stated that, if Medicaid paid for a diabetic supply, the recipient had to have a prescription for the diabetic supply. Non-Medicaid buyers did not have to present a prescription to purchase diabetic supplies. The computer software inadequacies were what was currently delaying the division's ability to process reimbursements for durable medical equipment vendors without a pharmacy.

A motion was made and seconded to defer consideration of this administrative regulation, and the division agreed; however, a motion was made and seconded to withdraw the previous motion to defer because the division had agreed to amend this administrative regulation at the December meeting of the Interim Joint Committee on Appropriation and Revenue.

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 Sections 1, and 6 through 11 to comply with the drafting and format requirements of KRS Chapter 13A; (3) to incorporate by reference an updated Medicaid DME Program Fee Schedule to conform to the changes made in these administrative regulations relating to reim-

bursement for diabetic supplies and prior authorization requirements; (4) to amend Section 2 to require that a supplier shall have an order from a prescriber before dispensing any DMEPOS item to a recipient and shall have a written order on file prior to submitting a reimbursement claim; and (5) to amend Section 6 to establish when the department shall cover diabetic supplies under the department's pharmacy program and under the durable medical equipment program. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:677 & E. Medicaid recipient lock-in program.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend Sections 1, 2, 4 through 9, and 11 to comply with the drafting and format requirements of KRS Chapter 13A; and (3) to amend Section 11 to incorporate by reference an updated referral form. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:825 & E. Diagnosis-related group (DRG) inpatient hospital reimbursement.

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 Sections 1, 2, 3, 10, 14, 15, and 18 to comply with the drafting and format requirements of KRS Chapter 13A; and (3) to amend Section 3 to specify that hospitals shall not seek payment for, rather than bill, for treatments for or related to never events. Without objection, and with agreement of the agency, the amendments were approved.

Division of Community Alternatives: Payment and Services

907 KAR 3:090 & E. Acquired brain injury waiver services.

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; (2) to amend Sections 1 through 4, 6 through 9, and 11 to comply with the drafting and format requirements of KRS Chapter 13A; (3) to amend Sections 3, 7, 8, and 11 to correct the titles of material incorporated by reference; and (4) to amend Section 11 to incorporate by reference required documents. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 3:100 & E. Reimbursement for acquired brain injury waiver

services.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 5, 7 and 8 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred to the December 14, 2010, meeting of the Subcommittee:

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Office of Sales and Excise Taxes: Forms

103 KAR 3:050. Miscellaneous taxes forms manual.

GENERAL GOVERNMENT CABINET: Board of Dentistry: Board

201 KAR 8:007E. Repeal of 201 KAR 8:006, 8:015, 8:070, 8:130, 8:135, 8:140, 8:150, 8:160, 8:170, 8:180, 8:185, 8:190, 8:220, 8:225, 8:230, 8:240, 8:250, 8:260, 8:265, 8:270, 8:277, 8:280, 8:290, 8:310, 8:320, 8:330, 8:340, 8:345, 8:350, 8:355, 8:400, 8:420, 8:430, 8:440, 8:450, 8:460, 8:70, and 8:490.

201 KAR 8:390E. General anesthesia, deep sedation, and conscious sedation by dentists.

201 KAR 8:500 & E. Board organization.

201 KAR 8:510 & E. Advisory opinions.

201 KAR 8:520 & E. Fees and fines.

201 KAR 8:530 & E. Licensure of dentists.

201 KAR 8:540 & E. Dental practices.

201 KAR 8:560 & E. Licensure of dental hygienists.

Board of Licensed Professional Counselors: Board

201 KAR 36:070. Education requirements.

Board of Licensure for Private Investigators: Board

201 KAR 41:100. Verification of 240 hour employees.

DEPARTMENT OF AGRICULTURE: Office of State Veterinarian: Division of Animal Health: Livestock Sanitation

302 KAR 20:065. Sale and exhibition of Kentucky origin animals in Kentucky.

302 KAR 20:066. Chronic wasting disease surveillance in farmed cervids.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Carriers: Division

601 KAR 1:018 & E. Special overweight or overdimensional permits.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky Board of Education: Department of Education: Office of Instruction

704 KAR 3:305. Minimum re-

quirements for high school graduation.

PUBLIC PROTECTION CABINET: Kentucky Horse Racing Commission: Thoroughbred Racing

810 KAR 1:001. Definitions.

810 KAR 1:009 & E. Jockeys and apprentices.

810 KAR 1:011. Pari-mutuel wagering.

810 KAR 1:026 & E. Racing associations.

810 KAR 1:120. Exotic wagering.

810 KAR 1:130. Post-race sampling and testing procedures.

Harness Racing

811 KAR 1:005. Definitions.

811 KAR 1:125. Pari-mutuel wagering.

811 KAR 1:220. Harness racing at county fairs.

811 KAR 1:250. Exotic wagering.

811 KAR 1:260. Postrace sampling and testing procedures.

Quarter Horse, Appaloosa and Arabian Racing

811 KAR 2:010. Definitions.

811 KAR 2:060. Pari-mutuel wagering.

811 KAR 2:160. Exotic wagering.

811 KAR 2:170. Postrace sampling and testing procedures.

Department of Housing, Buildings and Construction: Division of Plumbing: Plumbing

815 KAR 20:100. Joints and connections.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Division of Adult and Child Health Improvement: Kentucky Early Intervention System

902 KAR 30:001 & E. Definitions.

902 KAR 30:110 & E. Point of entry and service coordination.

902 KAR 30:120 & E. Evaluation and eligibility.

902 KAR 30:130 & E. Assessment, service planning, and assistive technology.

902 KAR 30:141. Repeal of 902 KAR 30:140 and 30:170.

902 KAR 30:150 & E. Personnel qualification.

902 KAR 30:160 & E. Covered services.

902 KAR 30:180 & E. Procedural safeguards.

902 KAR 30:200 & E. Coverage and payment for services.

The subcommittee adjourned at 2:30 p.m. until December 14, 2010.



# 2011 Prefiled Bills

## BR 4 - Representative Susan Westrom (04/27/10)

AN ACT relating to promotional 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 a dry territory; prelude 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 Department 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.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Licensing and Occupations

## BR 10 - Representative Linda Belcher (06/11/10)

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).)

To: Interim Joint Committee on Education

## BR 11 - Representative Linda Belcher (06/11/10)

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).)

To: Interim Joint Committee on Veterans, Military Affairs, and Public Protection

## BR 12 - Representative Linda Belcher (06/11/10)

AN ACT relating to prescription drugs.

Create a new section of KRS Chapter 218A to make pseudoephedrine, ephedrine, and phenylpropanolamine prescription substances, make exemptions, and establish penalties for prohibited conduct; amend KRS 218A.1446, relating to the recording of pseudoephedrine transactions, to conform.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee

on Health and Welfare

## BR 13 - Representative Linda Belcher (06/11/10)

AN ACT relating to obesity in school children.

Amend KRS 158.856 to clarify that school physical activity assessment tools shall generate: data on the amount of time and the types of activity required by KRS 160.345(11); performance and progress data necessary to monitor health risk behaviors and indicators identified by the national Centers for Disease Control and Prevention and to design programs to increase physical activity of children and reduce childhood diabetes and obesity; fitness information to assist students and the student's parents or guardians in planning home activities; and aggregate school fitness data to assist school councils in reviewing and implementing wellness policies; require school districts to submit supporting data with required summary; amend KRS 160.345 to require schools containing kindergarten through grade 5 to provide a minimum of 45 minutes per week of physical activity for half day kindergarten and 90 minutes per week for full day kindergarten through grade 5.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

## BR 14 - Representative Thomas Kerr (05/20/10)

AN ACT relating to evidence. Amend KRS 422.300 to add out-of-state hospitals to the chapter's provisions relating to the production of medical records for adjudicative proceedings.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

## BR 17 - Representative Linda Belcher (08/25/10)

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" and replace it with the word "negligently" in reference to the failure to provide supervision of a resident by an individual who has direct care responsibility.

## BR 18 - Representative Linda Belcher (06/14/10)

AN ACT relating to child custody.

Amend KRS 620.090 to specify that when the court issues a temporary order granting custody of a child to the cabinet, the court may order arrangements for medical, visual, and dental examinations; provide that children who are in temporary custody for a period not exceeding 45 days from the date of the removal 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 Judiciary

## BR 19 - Representative Linda Belcher (08/24/10)

AN ACT relating to wastewater.

Create new sections of KRS Chapter 65 to express the findings of the General Assembly regarding wastewater and to authorize the creation of a regional wastewater commission as a pilot project area within Bullitt, Hardin, Jefferson, Meade, Nelson, Oldham, and Spencer Counties; establish definitions for "commission," "member entity," "organizing official," "wastewater," and "sources of collected water," allow 2 or more member entities owning wastewater systems to acquire, construct, operate, and improve those systems; establish a method for member entities to form a regional wastewater commission; require the governing body of any member entity propos-



ing participation in the commission to publish notice of a public hearing in accordance with KRS Chapter 424 at least 30 days' prior to the hearing; establish appointments of 1 commissioner to represent each member entity; require that the commissioner be a customer, resident, or authorized representative of the member entity; require no less than 3 commissioners and set the terms for the commissioners at 4 years; allow the commission to appoint a chair and officers; allow member entities to join existing commissions at any time; allow the commission salaries for other officers and employees; allow the commission's fund to pay expenses of commissioners and employees; require bonding for commissioners and other minor officials and bonds paid by the commission fund; require commission meetings and records be subject to open meetings and open records laws; allow removal of a commissioner for cause; establish a method for a member entity to withdraw from the commission; establish the commission as a public body corporate and politic; allow the commission to execute contracts, make loans, issue and repay revenue bonds, receive proceeds from loans or grants, purchase, acquire, hold, and dispose of real and personal property, and exercise powers granted under KRS Chapters 58 and 224A; allow the commission to have full and complete supervision, management, and control over all of its facilities; require construction or expansion of any wastewater facility proposed be approved by either the Division of Water or the United States Environmental Protection Agency; exempt the commission from taxation; require the commission to procure the services of a certified public accountant to conduct an audit of all funds and fiscal transactions annually; exempt the commission from regulation by the Public Service Commission, except for contracts between the commission and a utility regarding provision of services that would result in an increase in rates paid by customers of that utility subject to approval by the Public Service Commission; allow the commission to set its rates and terms through contracts with member entities, nonmember entities, and neighboring states; establish minimum contract requirements; require a vote by the commission for rate changes and adjustments and notice requirements prior to rate changes; require the commission to procure professional or independent

accounting to determine operating, maintenance, and debt service costs and provide recommendations for specific rates to offset the costs every 5 years; require the commission to determine final rates and charges based on the 5-year study consultation; require the commission to provide at least 60 days' written notice to the governing bodies of the member entities prior to the effective date of any change in rates or charges for service; amend KRS 58.010 to include a regional wastewater commission in the definition of "governmental agency"; amend KRS 224A.011 to include a regional wastewater commission in the definition of "governmental agency," and to include facilities related to the collection, transportation, and treatment of wastewater in the definitions of "infrastructure project" and "water resources project"; amend KRS 278.010 to exclude a regional wastewater commission from the definition of "public utility."

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on Natural Resources and Environment

#### BR 20 - Representative Linda Belcher (06/11/10)

AN ACT relating to early education assessment and intervention.

Create a new section of KRS Chapter 158 to define "aphasia," "dyscalculia," "dyslexia," "phonemic awareness," and "scientifically based research"; require the Kentucky Board of Education to promulgate administrative regulations for district-wide reporting on the use of K-3 response-to-intervention implementation in reading by August 1, 2012, in mathematics by August 1, 2013, and behavior by August 1, 2014; require the Department of Education, on or before January 1, 2012, 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. sec. 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, 2012, and annually

thereafter; amend KRS 157.200 to conform with the federal definition of a "specific learning disability."

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on Education

#### BR 21 - Representative Linda Belcher (08/25/10)

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 characteristics; amend KRS 156.675 to require the Kentucky Board of Education to promulgate administrative regulations to require that each local school board 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 22 - Representative Linda Belcher (06/11/10)

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).)  
To: Interim Joint Committee  
on Transportation

#### BR 23 - Representative Linda Belcher (06/11/10)

AN ACT relating to domestic relations.

Amend KRS 403.135 to permit the inclusion of a minor child's name in a domestic relations proceed-

ing.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on Judiciary

#### BR 26 - Representative Melvin B. Henley (09/23/10)

AN ACT relating to consumer protection.  
Create a new section of KRS 367.110 to 367.300, the Consumer Protection Act, to require that advertisements which contain restrictions or limitations fully disclose the restrictions or limitations in the advertisement; provide exception; amend KRS 367.990 to provide for a civil penalty; amend KRS 367.180, 367.190, and 367.230 to conform.

(Prefiled by the sponsor(s).)

#### BR 27 - Representative Martha Jane King (12/17/10)

AN ACT relating to crimes and punishments.

Amend KRS 531.010 relating to pornography definitions to specify what constitutes lack of consent; amend KRS 531.090 relating to voyeurism to specify an alternate disposition of a case where the defendant is a minor and the offense is a first offense; amend KRS 531.100 relating to video voyeurism to specify an alternative disposition where a defendant is a minor and the offense is a first offense; amend KRS 531.340 relating to distribution of matter portraying a sexual performance by a minor to specify an alternative disposition where the defendant is a minor and the offense is a first offense; amend KRS 635.060 relating to dispositions in juvenile cases to specify that violations of listed statutes by a minor for a first offense are punishable by a fine and a community services work program; create a new section of KRS Chapter 531 to specify that a minor committing an offense specified in the Act shall only be charged with and punished using the alternative sentence when the offense is a first offense; amend KRS 216.302 relating to causing a suicide to specify that when transmitting an image of a minor causes that minor to commit suicide that it is a violation of this section.

(Prefiled by the sponsor(s).)

#### BR 30 - Representative Bill Farmer (12/14/10)



AN ACT relating to property taxes.

Amend KRS 132.690 to require property valuation administrators to verify that any property subject to a homestead exemption continues to be occupied by the person claiming the exemption.

(Prefiled by the sponsor(s).)

### **BR 32 - Senator Jack Westwood (09/09/10)**

AN ACT relating to career and technical education, making an appropriation therefor, and declaring an emergency.

Amend KRS 158.812 to express legislative goals for career and technical education; amend KRS 158.810 to define terms related to career and technical education; create a new section to KRS Chapter 156 to require the Department of Education to issue core content standards, assess student progress, and develop new courses relevant to college and career readiness; create a new section to KRS Chapter 158 providing for the creation and use of evidence-based models assessing the needs of at-risk students; create a new section of KRS Chapter 157 to define terms related to career and technical education and to establish a career and technical education accessibility fund; amend KRS 158.814 to address unmet needs for career and technical education; amend KRS 158.816 to add criteria to the assessment of technical education students; amend KRS 18A.010 to exempt technology center employees from the count of full-time executive branch employees; EMERGENCY.

(Prefiled by the sponsor(s).)

### **BR 33 - Representative Mike Harmon (08/25/10)**

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).)

To: Interim Joint Committee

on Judiciary

### **BR 39 - Representative Bill Farmer (10/06/10)**

AN ACT proposing to amend Sections 99, 124, and 144 of the Constitution of Kentucky relating to a Judge of the County Court.

Propose to amend Sections 99, 124, and 144 of the Constitution of Kentucky to eliminate the Office of Judge of County Court in merged county-and-city government; submit to the voters for approval or disapproval.

(Prefiled by the sponsor(s).)

### **BR 43 - Senator Damon Thayer (08/25/10)**

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; require the cabinet to give the Legislative Research Commission and the Court of Justice control over their expenditure data by January 1, 2012; 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 2011."

(Prefiled by the sponsor(s).)

### **BR 46 - Representative Will Coursey (07/22/10)**

AN ACT relating to underground petroleum storage tank contractors.

Amend KRS 224.60-135 to grant the state fire marshal authority to promulgate administrative regulations to establish a program to identify and certify persons who install, repair, close, or remove underground

petroleum storage tanks; require certification in order to install, repair, close, or remove an underground storage tank for a petroleum storage tank owner or operator; amend KRS 227.280 to extend the state fire marshal's authority to refer violations to the circuit court of the county in which the offense was committed.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Natural Resources and Environment

### **BR 49 - Representative Stan Lee (12/16/10)**

AN ACT relating to employers.

Create new sections of KRS Chapter 335B to require a state agency, board, or commission that issues a license, credential, or permit that is a prerequisite to a person engaging in an occupation or business to refuse to issue or suspend the license, credential, or permit of a person who hires an unauthorized alien; require that the license be denied or suspended six months for each unauthorized alien employed; require the Labor Cabinet to promulgate regulations to provide for the uniform enforcement of this Act.

(Prefiled by the sponsor(s).)

### **BR 51 - Representative Brad Montell (11/17/10)**

AN ACT relating to water quality reporting.

Create new sections of KRS 224.70 to define "public water system," and "Tier 2 and Tier 3"; require public water system owners or operators to report Tier 3 violations within 30 days; require violations be posted on the owner or operator's Internet Web site; if a Web site does not exist, require notification to customers upon written or oral request; allow the Energy and Environment Cabinet to promulgate administrative regulations to administer the notification process; clarify that the requirements for Tier 3 notifications are supplementary and do not impair or supersede federal national drinking water standards.

(Prefiled by the sponsor(s).)

### **BR 52 - Representative Sal Santoro (08/12/10)**

AN ACT relating to pawn-brokers.

Amend KRS 226.010 to define "pawnbroker," "pledgor," and "permitted user"; amend KRS 226.040 to expand registry requirements associated with pawn transactions, prohibit pawn transactions with persons unwilling or unable to provide required identification, and require submission of information to the Department of Kentucky State Police or contracted vendor; and create a new section of KRS Chapter 17 to require the Department of Kentucky State Police to establish or contract for the provision of pawn database services.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Banking and Insurance

### **BR 55 - Representative Stan Lee (09/07/10)**

A JOINT 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 61 - Representative Jesse Crenshaw (07/22/10)**

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 62 - Representative Jim Wayne (07/20/10)**

AN ACT relating to public financing for judicial campaigns.  
Create new sections of KRS 118A to establish the clean judicial elections fund; define terms; establish fund to distribute transfers to certified judicial candidates; provide that the Kentucky Registry of Election Finance administer the fund and promulgate necessary administrative regulations; designate that moneys in the fund be invested in accordance with regulations developed by the State Investment Commission; require the registry to publish information about campaign expenditures in the judicial campaigns of the previous year; establish requirements to be designated a certified judicial candidate and gain access to the fund; provide guidelines for distribution of funds to certified judicial candidates; direct that judicial review of any final action of the registry be expedited by the court; provide for a civil penalty up to \$10,000 for an actual violation of these provisions, and a Class D felony for any knowing violation of these provisions; provide that a person entitled to a state tax refund may designate on their income tax return an amount to be credited to the fund; permit the Supreme Court to require members of the Kentucky Bar Association to submit an annual fixed amount not to exceed \$25 to be dedicated to the clean judicial elections fund; provide for a January 1, 2012 effective date.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on State Government

**BR 64 - Representative Richard Henderson (12/17/10)**

AN ACT relating to alcohol and substance abuse treatment for pregnant and post-partum women.  
Create a new section of KRS Chapter 222 to express the intent of the General Assembly; amend KRS 222.037 to permit the Cabinet for Health and Family Services to establish pilot projects for treatment; create new sections of KRS Chapter 222 to create the offense of alcohol or controlled substance endangerment of a child

prior to birth; permit a court to order a toxicology test with probable cause; establish penalties and conditions for sentencing to treatment; amend KRS 214.160 to permit the cabinet to provide notification of a possible violation.

(Prefiled by the sponsor(s).)

**BR 67 - Representative Tom Burch (11/23/10)**

AN ACT relating to the reporting of deaths in nursing homes.  
Create a new section of KRS 216 to require each long term care facility or hospice facility to require a designated reporter to report all deaths to the appropriate coroner or medical examiner within 24 hours, in the case of a resident dying while away from the facility the report is required within 24 hours of the facility receiving notification of the death; require coroners or medical examiners to accept the report and, upon finding reasonable cause to suspect death as a result of maltreatment, to continue the investigation as a coroner's case, as a police report or as a report to the appropriate Commonwealth's attorney; amend KRS 216B.990 to create a Class C misdemeanor for the first offense when a designated reporter fails to report a death and a Class B misdemeanor for subsequent offenses; create a fine of \$200 per week for long term care facilities that fail to designate an employee as the designated reporter; create a new section of KRS Chapter 431 to require the Attorney General to establish a Kentucky Multidisciplinary Commission on Adult Abuse and Neglect, require each investigation of a death in a nursing home to be conducted by a specialized multidisciplinary team, require local protocols to be developed in each county or by contiguous county groups specifying how state protocols are to be followed; amend KRS 216B.590 to require surveyors and investigators to undergo at least 2 hours of training surrounding evidence preservation following a death in a nursing home due to suspected abuse or neglect; create a new section of KRS chapter 216 to require each long term care facility to conduct a three hour Attorney General-approved training session every 2 years covering the prevention of adult abuse and neglect; amend KRS 209.990 to make failure to report the abuse or neglect of an adult a Class A misdemeanor.

(Prefiled by the sponsor(s).)

**BR 68 - Representative Larry Clark (08/24/10)**

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 three years, a six-month notice to the plan and the commissioner 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 requirement 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 conform.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on Banking and Insurance

**BR 69 - Representative Larry Clark (08/24/10)**

AN ACT relating to campaign finance.

Amend KRS 121.015 to define "personal funds."

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on State Government

**BR 70 - Representative Larry Clark (08/24/10)**

A JOINT RESOLUTION  
authorizing and directing a comprehensive study of the effectiveness of the economic development initiatives and incentives of the Commonwealth.

Direct the Director of the Legislative Research Commission to engage a consulting firm to study the effectiveness of economic development incentive programs; require results to be submitted by December

1, 2011.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on Economic Development and Tourism

**BR 71 - Representative Leslie Combs, Representative Greg Stumbo, Representative John "Bam" Carney (09/02/10)**

AN ACT proposing to amend the Constitution of Kentucky relating to hunting, fishing, and harvesting wildlife.

Propose to amend the Constitution of Kentucky to create a right to hunt, fish, and harvest nonthreatened species using traditional methods; submit to the voters for approval or disapproval.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on State Government

**BR 75 - Representative Mike Cherry (08/13/10)**

AN ACT relating to public records.

Create a new section of KRS Chapter 7 requiring the Legislative Research Commission to provide public access to legislative branch financial information by January 1, 2012; create a new section of KRS Chapter 26A requiring the Administrative Office of the Courts to provide public access to judicial branch financial information by January 1, 2012; create a new section of KRS Chapter 42 to require the Finance and Administration Cabinet to provide public access to executive branch financial information by January 1, 2012; amend KRS 164A.565 to require the governing boards of each postsecondary educational institution to make budget, financial statements, and governing board meeting records available on each institution's Web site by January 1, 2012; direct the staff of the Legislative Research Commission to study the use of the Internet by local governments to provide citizen access to their financial and other information.

(Prefiled by the sponsor(s).)  
To: Interim Joint Committee  
on State Government

**BR 78 - Senator Tom Buford**



(12/16/10)

AN ACT relating to identification cards for people experiencing homelessness.

Amend KRS 186.531 to establish a \$4 charge for a personal identification card issued to a person without a fixed, permanent address; amend KRS 186.412 to establish that a personal identification card issued to a person without a fixed, permanent shall be valid for one year from the date of issuance.

(Prefiled by the sponsor(s).)

### BR 79 - Representative Jim Glenn (12/10/10)

A RESOLUTION adjourning the House of Representatives in loving memory and honor of Dr. Cornelia Jarmon Glenn.

Adjourn the House of Representatives in loving memory and honor of Dr. Cornelia Jarmon Glenn.

(Prefiled by the sponsor(s).)

### BR 80 - Representative Reginald Meeks (12/16/10)

AN ACT relating to Rosenwald Schools.

Create new sections of KRS Chapter 171 establishing within the Kentucky African-American Heritage Commission a Rosenwald Schools Advisory Council responsible for identifying, preserving, and opening to the public existing Rosenwald School sites in the Commonwealth of Kentucky; amend KRS 171.805 to list coordination of the council among the duties of the Kentucky African-American Heritage Commission.

(Prefiled by the sponsor(s).)

### BR 83 - Representative Brent Yonts (10/27/10)

AN ACT relating to state government contracts and declaring an emergency.

Amend KRS 45A.550 to redefine “privatization contract” and eliminate the definition of “services”; amend KRS 45A.551 to specify the procedure for approving a state agency’s request to enter into a privatization contract, including approval by the Finance and Administration Cabinet, the Governor, and the General Assembly, to require the agency to list in writing an analysis of the need for the privatization, and to indicate that privatization contracts are to

be procured under KRS 45A.695; amend KRS 45A.552, 45A.553, and 45A.695 to conform; require existing contracts to be canceled for convenience unless previously authorized by statute; EMERGENCY.

(Prefiled by the sponsor(s).)

### BR 84 - Representative Brent Yonts (12/16/10)

AN ACT relating to government contracts.

Amend various sections in KRS Chapter 45A to expand and refine the list of entities included in definition of “contracting body”; allow committee to determine the definition of “governmental emergency”; refine the definition of “memorandum of agreement”; correct references to universities and colleges and institutions of higher education; refine the definition of “personal service contract” to eliminate professional skill or judgment requirement and specifically include contracts for personal or professional services and group health care for public employees; allow the committee to establish reporting schedule for exempt personal service contracts and memoranda of agreement; exempt contracts between postsecondary institutions and health care providers, but require reporting of such contracts; require committee review of all personal service contracts and memoranda of agreement in excess of \$1,000,000, except for contracts involving child support collections which are exempted; exempt contracts \$40,000 and under from request for proposals process, but require three quotes when feasible, and determination of unfeasibility may be reviewed by the secretary of the Finance and Administration Cabinet or the committee; exempt contracts \$40,000 and under not requiring professional skill or judgment from routine review process, but require filing within 30 days for informational purposes; prohibit delegation of decision-making authority by secretary of the Finance and Administration Cabinet, except with respect to institutions of higher education that have elected to implement procurement procedures in accordance with statutory authority; delete requirement for annual reports; delineate powers of the committee.

(Prefiled by the sponsor(s).)

### BR 88 - Representative John

Tilley (12/17/10)

AN ACT relating to crimes and punishments and declaring an emergency.

Create new sections of KRS Chapter 218A to ban possession, trafficking, or manufacture of 3,4-methylenedioxypyrovalerone the primary ingredient of a drug with a street name “dove”; amend various sections of KRS Chapters 217 and 218A and KRS 530.064 relating to unlawful transaction with a minor to conform; EMERGENCY

(Prefiled by the sponsor(s).)

### BR 89 - Senator Damon Thayer (12/16/10)

AN ACT relating to the enactment of an interstate racing and wagering compact.

Create new sections of KRS Chapter 230 to authorize and direct the Governor to execute an interstate compact on participation in live pari-mutuel horse racing and pari-mutuel wagering activities; define terms; establish compact commission and assign powers and duties; establish rule-making procedure; permit compact commission to charge fees; establish rights and responsibilities of member states, restrictions on authority, and construction, saving, and severability; establish effective provision based upon enactment by at least six states.

(Prefiled by the sponsor(s).)

### BR 92 - Senator John Schickel (09/02/10)

AN ACT relating to firearms, including ammunition and accessories for firearms.

Create new sections of KRS Chapter 237 relating to firearms, ammunition, and firearms accessories made in Kentucky, marked as made in Kentucky, and used in Kentucky to specify that these items, with specified exemptions, are exempt from federal law; name law the “Kentucky Firearms Freedom Act.”

(Prefiled by the sponsor(s).)

### BR 94 - Representative Terry Mills (11/17/10)

AN ACT relating to compulsive gambling and making an appropriation therefor.

Create new sections of KRS Chap-

ter 222 to establish the compulsive gamblers awareness and treatment fund; amend KRS 222.005 to define “pathological gambling” and “problem gambling”; direct the use of funds and limit annual administrative costs to \$50,000; establish the Compulsive Awareness and Treatment Fund Advisory Council; establish the council’s membership and responsibilities; require the Cabinet for Health and Family Services to promulgate administrative regulations to develop standards, establish a funding and application process, certify disbursement of funds, and report annually; amend KRS 138.510 to provide funding from the total amount wagered in Kentucky; amend KRS 154A.130 to provide funding from the gross revenues of the state lottery; amend 238.570 to provide funding from the gross receipts from all charitable gaming; amend KRS 164.7871 to conform; amend KRS 222.001, 222.003, and 222.005 to define terms and to conform.

(Prefiled by the sponsor(s).)

### BR 97 - Representative Joni L. Jenkins (08/17/10)

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).)

To: Interim Joint Committee on Judiciary

### BR 98 - Representative Keith Hall (09/22/10)

AN ACT relating to emergency vehicles. Amend KRS 189.920 relating to lights on emergency vehicles to permit publicly owned jail vehicles used for emergency purposes to use blue lights but not sirens; permit elected jailer or chief administrator of a jail without a jailer to use blue lights on one personal vehicle.

(Prefiled by the sponsor(s).)



To: Interim Joint Committee  
on Transportation

**BR 111 - Senator Dan “Malano” Seum, Senator David L. Williams (08/25/10)**

AN ACT relating to school attendance.  
Amend KRS 159.070 to permit a parent or legal guardian to enroll for attendance a child in the school nearest to the child’s home, except in cases in which there are academic or skill prerequisites for attendance in the school; provide that those residing the shortest travel distance to a school be given first priority in cases where the capacity of the school may be exceeded; permit a child to attend a school other than the one closest with permission of the district.

(Prefiled by the sponsor(s).)

**BR 114 - Representative Brent Yonts (10/12/10)**

AN ACT relating to wills.  
Amend KRS 394.150 and 394.300 to allow the will of a nonresident probated longer than eleven years ago to be recorded in Kentucky in the same manner as a Kentucky will for the purpose of passing title to real property without the necessity of undergoing a second probate proceeding in this state.

(Prefiled by the sponsor(s).)

**BR 117 - Representative Reginald Meeks (11/08/10)**

A RESOLUTION designating August 26, 2011, as Montford Point Marines Day, and honoring the Montford Point Marines.  
Designate August 26, 2011, as Montford Point Marines Day and honor the Montford Point Marines.

(Prefiled by the sponsor(s).)

**BR 119 - Representative Dwight D. Butler (12/17/10)**

AN ACT relating to Purple Heart motor vehicle license plates.  
Amend KRS 186.166 to require that the Purple Heart license plate include a picture of the Purple Heart medal and the words “Combat Wounded”; require change in design to take effect upon the first replating of the license plate.

(Prefiled by the sponsor(s).)

**BR 121 - Representative Melvin B. Henley (09/22/10)**

AN ACT relating to out-of-state durable medical equipment providers.  
Create a new Section of KRS Chapter 216B to require the Cabinet for Health and Family Services to promulgate an administrative regulation requiring a provider of durable medical equipment located in another state to maintain an office or place of business in Kentucky if that state requires durable medical equipment providers with a principal place of business in Kentucky to maintain an office or place of business within that state.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee  
on Health and Welfare

**BR 123 - Senator Tim Shaughnessy (09/09/10)**

N ACT relating to university undergraduate completion.  
Create a new section of KRS Chapter 164 to require each public university to submit to the Council on Postsecondary Education by December 1, 2011, a plan adopted by the board of trustees or board of regents listing goals, strategies, and timelines to increase the number of students graduating with a bachelor’s degree; require the council to create by August 30, 2011, a tracking system to collect data on the number of attempted and earned credit hours for each freshman and transfer student entering each university in the fall 2011 semester, and thereafter track students from enrollment until degree completion; report to the Legislative Research Commission, no later than November 1, 2013, and annually thereafter, the number of students who complete bachelor’s degrees by time for completion, hours attempted and earned, and average hours per term, the number of students who complete bachelor’s degree program at their university of origin or the number of transfer students who complete bachelor’s degree programs, and the average time to degree completion for full-time and part-time students; require the council to report to the Interim Joint Committee on Education by October 31 of each year and post on the council’s Web site an institutional profile for each university and a composite system profile

which provides current and six-year trends for revenue, full-time enrollment, average ACT score, percentage of freshman taking remedial courses, four, five, and six year graduation rates, tuition rates, and additional accountability measures developed by the council; require the board of trustees or the board of regents of a public university to include, no later than October 31, 2014, progress toward improving bachelor’s degree completion as part of the annual evaluation of the president of the institutions.

(Prefiled by the sponsor(s).)

**BR 125 - Representative Tanya Pullin (12/16/10)**

AN ACT relating to passenger rail.  
Create new sections of KRS Chapter 174 to create a Passenger Rail Transportation Advisory Board to advise the executive and legislative branches of government on matters pertaining to passenger rail transportation; provide for appointment of members and for terms of office; prohibit payment for board members and for reimbursement of expenses; provide for a chair and vice chair appointed by the members; provide for quarterly meetings and attach to the Transportation Cabinet for administrative purposes; prescribe duties for the board; provide for initial terms of office.

(Prefiled by the sponsor(s).)

**BR 130 - Representative Jody Richards (09/14/10)**

AN ACT relating to publications of state agencies.  
Create a new section of KRS Chapter 57 to prohibit any agency of the state executive or legislative branch from mailing an unsolicited publication to any person who has not requested a copy, unless the mailing is determined to be essential by the Governor or by the General Assembly; require state agencies to submit annual and biennial reports to the General Assembly or the Legislative Research Commission online rather than on paper; amend KRS 12.110 to conform.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee  
on State Government

**BR 131 - Representative Jody Richards (09/17/10)**

AN ACT relating to domestic 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.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee  
on Judiciary

**BR 132 - Representative Jody Richards (09/10/10)**

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, 2012 to December 31, 2015; 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).)

To: Interim Joint Committee  
on State Government

**BR 133 - Representative Jody Richards (10/14/10)**

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, 2011; report findings to appropriate committee or committees no later than December 1, 2011.

(Prefiled by the sponsor(s).)

**BR 134 - Representative Fitz Steele (12/02/10)**



AN ACT relating to sales and use tax holidays and declaring an emergency.

Create a new section of KRS Chapter 139 to establish a three 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).)

### **BR 135 - Representative Fitz Steele (12/02/10)**

AN ACT relating to dextromethorphan abuse.

Create new sections of KRS Chapter 218A to prohibit any person from possessing one gram or more of pure dextromethorphan or dextromethorphan that has been extracted from solid or liquid form; prohibit sale of products containing dextromethorphan as the only active ingredient to individuals younger than 18; from 7:00 a.m. to 10:00 p.m. require retail establishments to show a photo ID and sign a document stating the customer is older than 18 before purchase; after 10:00 p.m. and until 7:00 am require retail establishments to secure products such that only a supervisory person may access them; require a person to request the product, show a photo ID, and sign a document stating the customer is older than 18; establish penalties for violation.

(Prefiled by the sponsor(s).)

### **BR 136 - Senator John Schickel (09/09/10)**

AN ACT relating to school funding.

Amend KRS 157.310 to clarify the intention of the General Assembly that no mandate be placed on the public schools without program funding to carry out the mandate; require legislation relating to the public schools that includes a fiscal note pursuant to KRS 6.955 or a state mandate pursuant to 6.965 to include provision for funding that is adequate for compliance with the mandate; clarify that no school district shall be compelled to comply with mandated enactments of the General Assembly that do not provide adequate funding; specify that this amendment does not relieve a school district from the obligation to comply with state or federal laws relating to health, safety, or civil rights.

(Prefiled by the sponsor(s).)

### **BR 140 - Senator Joey Pendleton (12/14/10)**

AN ACT relating to the school calendar.

Amend KRS 158.070 to prohibit a school district from establishing the first instructional day in a school term before the third Monday in August; allow a district to request a waiver to begin the instructional year prior to the third Monday in August.

(Prefiled by the sponsor(s).)

### **BR 141 - Senator Joey Pendleton (11/17/10)**

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; require Kentucky to adopt any federal rules or regulations relating to industrial hemp.

(Prefiled by the sponsor(s).)

### **BR 143 - Representative Marie Rader, Representative Addia Wuchner (09/16/10)**

AN ACT relating to coroners. Amend KRS 189.910, 189.920 and 189.940 to permit a coroner or deputy coroner to equip a private or public vehicle with red and blue lights and a siren with the permission of the legislative body of the county, urban-county, consolidated local govern-

ment, or unified local government and to use the lights and siren only to respond to the scene of an emergency involving the reported death of a human being.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Transportation

### **BR 144 - Representative Kelly Flood (12/17/10)**

AN ACT relating to status offenders.

Amend KRS 630.050 to require that persons filing juvenile status offense complaints provide certain supporting documentation for inclusion and presentation to the court; create a new section of KRS Chapter 630 to establish time frames for the expiration of valid court orders; amend KRS 610.265 and 630.010 to restrict the secure detention of status offenders; amend KRS 630.080 to clarify which agency is to provide the dispositional report to the court and the contents of that report; amend KRS 610.020, 610.030, and 610.060 to conform.

(Prefiled by the sponsor(s).)

### **BR 151 - Representative Leslie Combs (11/10/10)**

AN ACT relating to sales and use tax.

Create a new section of KRS Chapter 139 allowing a sales and use tax refund on the purchase of building materials used to repair or replace homes in a disaster area; effective July 1, 2011.

(Prefiled by the sponsor(s).)

BR 153 - Representative Jeff Hoover, Representative John “Bam” Carney, Representative James R. Comer Jr., Representative Ron Crimm, Representative Jim DeCesare, Representative Bob M. DeWeese, Representative C. B. Embry Jr., Representative Bill Farmer, Representative Joseph M. Fischer, Representative David Floyd, Representative Danny Ford, Representative Mike Harmon, Representative Tim Moore, Representative David Osborne, Representative Marie Rader, Representative Sal Santoro, Representative Alecia Webb-Edgington,

### **Representative Addia Wuchner, Representative Jill York (09/21/10)**

AN ACT proposing an amendment to Section 42 of the Constitution of Kentucky.

Propose to amend Section 42 of the Constitution of Kentucky to prohibit members of the General Assembly from receiving legislative pay for a special session that has been called by the Governor because the General Assembly adjourned without passing a state budget; submit to the voters with ballot question.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

BR 154 - Representative Jeff Hoover, Representative John “Bam” Carney, Representative James R. Comer Jr., Representative Ron Crimm, Representative Jim DeCesare, Representative Bob M. DeWeese, Representative C. B. Embry Jr., Representative Bill Farmer, Representative Joseph M. Fischer, Representative David Floyd, Representative Danny Ford, Representative Mike Harmon, Representative Brad Montell, Representative Tim Moore, Representative David Osborne, Representative Marie Rader, Representative Sal Santoro, Representative Alecia Webb-Edgington, Representative Addia Wuchner, Representative Jill York (09/21/10)

AN ACT relating to the General Assembly.

Create a new section of KRS Chapter 6 to require a 48 hour waiting period prior to a vote on an appropriation or revenue bill or amendment.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on State Government

### **BR 159 - Representative Addia Wuchner, Representative Tom Burch (12/07/10)**

AN ACT relating to healthy goals for the school children of the Commonwealth.

Create a new section of KRS



Chapter 158 to establish the goal of increasing time for physical activity to 30 minutes per day or 150 minutes per week in 100% of schools with kindergarten through grade 5 by November 1, 2013; require the Kentucky Department of Education to identify model programs, provide resources and assessment tools, develop a checklist for collecting data for public reporting; encourage physical activity plans in schools containing grades 6 through 8; report to the Interim Joint Committee on Education and the Interim Joint Committee on Health and Welfare by November 1, 2011, and annually thereafter on progress toward meeting the goal; and share aggregate school district and county data with the Cabinet for Health and Family Services.

(Prefiled by the sponsor(s).)

### **BR 160 - Representative Adia Wuchner, Representative Tom Burch (12/07/10)**

AN ACT relating to the inclusion of the body mass index on school physical examination forms.

Amend KRS 156.160 to require that preventative health care examination forms include a measure of body mass index; permit the Department of Education to share aggregate data from the forms by school district or county with the Cabinet for Health and Family Services.

(Prefiled by the sponsor(s).)

### **BR 161 - Representative Sal Santoro, Representative Alecia Webb-Edgington (09/21/10)**

AN ACT relating to firearms, including ammunition and accessories for firearms.

Create new sections of KRS Chapter 237 relating to firearms, ammunition, and firearms accessories made in Kentucky, marked as made in Kentucky, and used in Kentucky to specify that these items, with specified exemptions, are exempt from federal law; name the law the “Kentucky Firearms Freedom Act”.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Judiciary

### **BR 162 - Representative Sal Santoro (09/21/10)**

AN ACT relating to school funding.

Amend KRS 157.310 to clarify the intention of the General Assembly that no mandate be placed on the public schools without program funding to carry out the mandate; require legislation relating to the public schools that includes a fiscal note pursuant to KRS 6.955 or a state mandate pursuant to 6.965 to include provision for funding that is adequate for compliance with the mandate; clarify that no school district shall be compelled to comply with mandated enactments of the General Assembly that do not provide adequate funding; specify that this amendment does not relieve a school district from the obligation to comply with state or federal laws relating to health, safety, or civil rights.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### **BR 163 - Representative Joni L. Jenkins (09/21/10)**

AN ACT relating to fees in public universities and colleges.

Amend KRS 164.400 to permit the boards of regents and boards of trustees of the public universities and colleges to establish fees sufficient for the payment of instructional and operational expenses consistent with the recommendations of the Council on Postsecondary Education; clarify the types of fees that boards may require payment of; prohibit mandatory athletic or meal fees for nonresident or commuter students; delete provision referencing incidental fees.

(Prefiled by the sponsor(s).)

To: Interim Joint Committee on Education

### **BR 165 - Representative Mike Harmon (12/16/10)**

AN ACT relating to deadly weapons.

Create a new section of KRS Chapter 527 to permit persons over 21 who are not prohibited from possessing firearms to carry firearms openly or concealed and, specify permitted locations; amend KRS 527.020 relating to carrying concealed deadly weapons to eliminate the crime of carrying a concealed deadly weapon and, specify conditions for a peace officer carrying concealed deadly weapon; amend KRS 527.040 relating to possession of firearm or handgun by a convicted felon to update a federal agency reference and make a technical change; amend

KRS 150.172 relating to hunting to permit carrying openly or concealed firearm for self-defense while hunting; amend KRS 237.102 to prohibit banning of possession or carrying of firearms during a disaster; amend KRS 237.106 relating to possession of firearms in vehicles to expand right to sue for violation of rights and, add a reference to elementary and secondary schools in exemptions.

(Prefiled by the sponsor(s).)

### **BR 167 - Senator Tim Shaughnessy (09/29/10)**

AN ACT relating to school districts.

Create a new section of KRS Chapter 159 to require the Commonwealth to provide state funds from the general fund to a local school district to offset the costs of implementing any changes to Kentucky Revised Statutes that result in mandated changes to the local district assignment plan; provide that this expenditure is the state’s first priority over other financial obligations; require the Finance and Administration Cabinet to promulgate administrative regulations to outline the process and procedures to be used in requesting and paying the funds.

(Prefiled by the sponsor(s).)

### **BR 171 - Representative Joni L. Jenkins (10/27/10)**

AN ACT relating to the enforcement of local government ordinances.

Amend KRS 82.700, dealing with local government nuisance codes to include counties within the definition of local governments, define “amelioration costs” and “premises”; amend KRS 82.720 to allow a local government to possess liens for amelioration costs imposed pursuant to KRS 82.700 to 82.725 and KRS 381.770; Amend KRS 381.770, relating to nuisances to provide that the liens possessed in accordance with KRS 381.770 take precedence over all other liens, except state, county, school board, and city taxes.

(Prefiled by the sponsor(s).)

### **BR 172 - Senator John Schickel (10/13/10)**

AN ACT relating to necessities.

Amend KRS 404.040 to provide for gender neutrality in the furnishing of necessities during marriage; amend

KRS 140.090 to conform.

(Prefiled by the sponsor(s).)

### **BR 180 - Representative Brad Montell (12/16/10)**

AN ACT relating to charter schools and making an appropriation therefor.

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; establish the Public Charter School Commission and identify membership selection and responsibilities of members; outline the requirements and limitations on the establishment of charter schools including identification of charter school authorizers; describe responsibilities of authorizers; describe charter school application, renewal, and revocation process; establish the Public Charter School Commission trust fund and identify uses of the fund; require the commissioner of education to distribute charter school information to potential authorizers; create a new section of KRS Chapter 159 to identify student enrollment and withdrawal requirements to be followed by a charter school; create a new section of KRS Chapter 161 to identify employment conditions for charter school staff; create a new section of KRS Chapter 157 to require local, state, and federal funds to be distributed to charter schools using formulas and allocation processes used in non-charter schools; amend KRS 161.220 to include a teacher employed by a board of directors of a public charter school as a member within the state retirement system; amend KRS 161.220 to include employees of boards of directors of public charter schools in the state-sponsored retirement system; amend KRS 78.510 to include noncertified employees of public charter schools in the state-sponsored retirement system; amend KRS 61.690 to conform.

(Prefiled by the sponsor(s).)

### **BR 181 - Representative Brad Montell (11/17/10)**

AN ACT relating to the exclusion of abortion coverage for health insurance exchanges.

Establish Subtitle 17D of KRS Chapter 304 and create a new section to define “abortion,” “elective abortion,” and “health benefit exchange”; create a new section to prohibit qualified health benefit plans in Kentucky



from offering abortion coverage through a health benefit exchange but permit individuals to purchase optional supplemental coverage for elective abortions outside of the state exchange if a separate premium is paid for the coverage; set forth provisions regarding the calculation of the premium, per enrollee, for elective abortion coverage; set forth provisions regarding signature and notice requirements; prohibit an issuer of elective abortion coverage from discounting or reducing the premium paid for other coverage based on the fact an individual has elective abortion coverage.

(Prefiled by the sponsor(s).)

### **BR 183 - Senator John Schickel (12/16/10)**

AN ACT relating to crimes and punishments.

Amend KRS 508.025 relating to assault in the third degree to make assaulting a physician, physician's assistant, nurse, nurse practitioner, certified registered nurse anesthetist, respiratory therapist, laboratory technician, radiology technician, or social worker providing services in the emergency room of a hospital a Class D felony; amend KRS 508.078 relating to terroristic threatening in the second degree to include the persons specified above and emergency medical services persons in the emergency room of a hospital a Class D felony.

(Prefiled by the sponsor(s).)

### **BR 184 - Representative Brad Montell (12/14/10)**

AN ACT relating to the Great Schools Tax Credit Program.

Create a new section of KRS Chapter 141 to establish a Great Schools Tax Credit Program; provide a nonrefundable credit against the income tax imposed under KRS 141.020 or 141.040, and the limited liability entity tax imposed under KRS 141.0401, for contributions made to a scholarship organization that is organized solely for the purpose of receiving and distributing cash contributions to provide educational scholarships to eligible students at qualified schools; amend KRS 141.010 to exclude from the definition of "adjusted gross income" the amount received by an eligible student or by an individual on behalf of an eligible student as an educational scholarship under the program; amend KRS 141.0205 to provide the order in which the credit

may be claimed.

(Prefiled by the sponsor(s).)

### **BR 185 - Representative Keith Hall (12/17/10)**

AN ACT relating to outdoor recreation and tourism development and making an appropriation therefor.

Create new sections of KRS Chapter 148 to establish the Kentucky Mountain Trail Authority (KMTA) as an independent, de jure municipal corporation attached to the Kentucky Tourism, Arts and Heritage Cabinet for administrative purposes only; authorize the KMTA to establish the Kentucky Mountain Regional Recreation Area for tourism and outdoor recreation opportunities for residents and visitors; establish the process by which counties participate in the authority and appoint representatives to serve on the board; authorize board meetings and establish duties; authorize the board to adopt bylaws for governance; outline methods for appointing an executive director and hiring additional staff; establish that all personnel and operational costs of the corporation shall be paid from funds accruing to the corporation, through fees, grants, or other self-funding mechanisms; enable the authority to procure insurance, execute contracts, accept grants and loans, maintain an office, assess fees for trails, parking, and other trail-related recreational purposes, and to promulgate administrative regulations to govern the Kentucky Mountain Regional Recreational Area; authorize the board to hire trail rangers; establish procedures for the authority to issue revenue bonds and revenue refunding bonds; ensure that participating landowners are not liable for willful negligence or similar damages; establish a framework for adopting administrative regulations for a penalty schedule for violations of trail laws and rules.

(Prefiled by the sponsor(s).)

### **BR 196 - Representative Richard Henderson (12/17/10)**

AN ACT relating to historic farms.

Create new sections of KRS Chapter 171 establishing a Historic Farms Program; set out General Assembly findings; establish criteria and recognition process for a historic farm

designation; allow for recognition of "heritage farms"; stipulate regulatory powers; repeal KRS 171.388; designate short title of "Young Family Farm Heritage Act."

(Prefiled by the sponsor(s).)

### **BR 197 - Representative Adia Wuchner, Representative Marie Rader, Representative C. B. Embry Jr. (12/03/10)**

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 for district reporting on implementation of a response-to-intervention system in grades K-3 in reading and writing by August 1, 2012, in mathematics by August 1, 2013, and in behavior by August 1, 2014; require the Department of Education 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, 2012, and annually thereafter; amend KRS 157.200 to conform with the federal definition of a "specific learning disability."

(Prefiled by the sponsor(s).)

### **BR 198 - Representative Jim Gooch Jr. (10/22/10)**

A JOINT RESOLUTION urging the United States Congress to repeal the Affordable Care Act of 2010 (ACA).

Urge Congress to repeal the Affordable Care Act of 2010.

(Prefiled by the sponsor(s).)

### **BR 200 - Representative Brent Yonts (10/27/10)**

AN ACT relating to prison inmate canteen operations.

Amend KRS 196.270 to require that inmate canteen operations be sub-

ject to the Open Meetings Act, the Open Records Act, and the Model Procurement Code; require a separation between the canteen and general inmate food service in their staffing and management.

(Prefiled by the sponsor(s).)

### **BR 202 - Representative Joni L. Jenkins (11/09/10)**

AN ACT relating to elder and vulnerable adult abuse, neglect, and financial exploitation and making an appropriation therefor.

Amend KRS 209.990 to provide a civil remedy with treble damages for use against persons who are convicted of exploitation of an adult and fail to return the victim's property within 30 days of an order by the sentencing court to do so; amend KRS 381.280 to include the commission of a felony under KRS Chapter 209 among the offenses that trigger an offender's forfeiture of the right to inherit property from the victim of the offense; direct that any escheated property be directed to the elder and vulnerable victims trust fund; create a new section of KRS Chapter 41 to establish the elder and vulnerable victims trust fund to provide funding for programs combating elder and vulnerable adult abuse, neglect, or financial exploitation.

(Prefiled by the sponsor(s).)

### **BR 214 - Senator Damon Thayer (12/17/10)**

A RESOLUTION thanking the volunteers of the 2010 Alltech FEI World Equestrian Games for their tireless efforts and adjourning the Senate in their honor.

Thank the volunteers of the 2010 Alltech FEI World Equestrian Games for their tireless efforts and adjourn the Senate in their honor.

(Prefiled by the sponsor(s).)

### **BR 216 - Representative Joni L. Jenkins (11/09/10)**

AN ACT relating to trusts and estates.

Amend KRS 395.005 to allow residents of other states who are not related to a decedent to be appointed as a fiduciary if the appointment is done pursuant to a will of the decedent.

(Prefiled by the sponsor(s).)

### **BR 217 - Representative Joni L. Jenkins (11/09/10)**



AN ACT relating to trusts and estates.  
Create a new section of KRS Chapter 209 to prohibit persons convicted of a felony under that chapter from serving in any capacity that has authority over the victim of the offense or the victim's estate.  
(Prefiled by the sponsor(s).)

### BR 220 - Representative Reginald Meeks (11/08/10)

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, including Central America, and who maintains tribal affiliation or community attachment to the tribe of origin or to the community of original peoples; make conforming amendments.  
(Prefiled by the sponsor(s).)

### BR 221 - Representative Reginald Meeks (11/08/10)

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 222 - Representative Reginald Meeks (11/29/10)

AN ACT relating to historic preservation.  
Create new sections of KRS Chapter 381 relating to the disposition of historic or prehistoric human remains; define terms relating to the disposition of historic or prehistoric human remains; declare public policy of the Commonwealth regarding historic or prehistoric human remains; establish property confirmation process by which property owners or developers verify whether property contains known human remains; require 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 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; amend KRS 171.313 to require the Kentucky Historical Society to cooperate in the processes established under this Act; 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; 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;

tion of historic or prehistoric human remains; declare public policy of the Commonwealth regarding historic or prehistoric human remains; establish property confirmation process by which property owners or developers verify whether property contains known human remains; require 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 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; amend KRS 171.313 to require the Kentucky Historical Society to cooperate in the processes established under this Act; 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; 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;

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.  
(Prefiled by the sponsor(s).)

### BR 223 - Representative Reginald Meeks (11/30/10)

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 224 - Representative Reginald Meeks (11/08/10)

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 properly disposing of the human remains.  
(Prefiled by the sponsor(s).)

### BR 225 - Representative Tanya Pullin (12/17/10)

AN ACT relating to membership of the Kentucky Commission on Military Affairs.  
Amend KRS 154.12-203 to include the Chief Justice in membership of the Kentucky Commission on Military Affairs.  
(Prefiled by the sponsor(s).)

### BR 228 - Representative Reginald Meeks (11/29/10)

AN ACT relating to school dropout prevention.  
Amend KRS 158.145 to revise the existing declaration of the General Assembly to phase in an increase in the compulsory attendance age and to set a high school graduation rate of at least 90 percent by July, 2016; amend KRS 158.146 to revise the use of dropout prevention grants; to direct the Kentucky Department of Education to establish standards and indicators to measure progress and



to assist schools in implementing research-based strategies; authorize the commissioner of education to approve alternative programs granting high school and college credit; create a new section of KRS Chapter 158 to establish the Commonwealth Mentor Initiative; create a new section of KRS Chapter 18A to provide one hour per week leave to state employees who become certified Commonwealth mentors to volunteer in a private or public school; specify conditions for mentor approval; create a new section of KRS Chapter 164 to require boards of trustees and boards of regents to encourage personnel to participate in the Commonwealth Mentor Initiative; amend KRS 159.010 to gradually increase the compulsory attendance age to 18 by July 1, 2015; amend KRS 159.020 to conform; amend KRS 157.224 to require the commissioner of education to report performance data on students with disabilities and initiatives for improvement; encourage the department, the KY Tech System and the Kentucky Community and Technical College System to work with local school districts to expand career pathways to keep students engaged; require the commissioner of education and the president of the Council on Postsecondary Education to engage others in the study of alternative education; express the General Assembly's intent to provide funding support to help districts with programs and services required by increasing compulsory attendance.

(Prefiled by the sponsor(s).)

**BR 234 - Representative Tanya Pullin, Representative Derrick Graham (12/17/10)**

AN ACT relating to promotional increments for state employees. Amend KRS 18A.110 to allow the secretary of the Personnel Cabinet to approve the salary of a full-time state employee with status who is promoted or reclassified to a higher pay grade to the same salary level that would be available to new appointments in that grade.

(Prefiled by the sponsor(s).)

**BR 242 - Representative Brad Montell (11/17/10)**

AN ACT relating to school buses. Amend KRS 189.540 to allow a local school board to sell commercial advertising on school buses; prohibit

certain types of advertising; specify uses for advertising revenue.

(Prefiled by the sponsor(s).)

**BR 243 - Representative Danny Ford (11/17/10)**

AN ACT relating to energy drinks. Create a new section of KRS Chapter 217 to prohibit the sale of energy drinks to children under 18 years of age; amend 217.015 to define the term "energy drink".

(Prefiled by the sponsor(s).)

**BR 245 - Representative Brent Yonts (11/17/10)**

AN ACT relating to criminal record expungement. Amend KRS 431.076 to allow a defendant to petition a court to expunge a misdemeanor criminal charge which has been dismissed with prejudice in exchange for a plea of guilty to another offense.

(Prefiled by the sponsor(s).)

**BR 247 - Representative Reginald Meeks (12/17/10)**

AN ACT relating to regulation of for-profit postsecondary educational institutions. Create a new section of KRS Chapter 165 to require that effective July 1, 2012, the supervision of any private for-profit postsecondary educational institution offering an associate degree or higher shall be transferred from the State Board for Proprietary Education to the Council on Postsecondary Education; amend KRS 164.945 to clarify that the definition of "college" includes nonprofit and for-profit colleges; amend KRS 164.947 to clarify that the Council on Postsecondary Education has responsibility for licensing for-profit and nonprofit colleges offering an associate degree or higher; amend KRS 165A.310 to clarify that proprietary schools are for-profit; add definitions of "formal" and "informal" complaints; amend KRS 165A.320 to include traditional, Web-based, and distance learning; amend KRS 165A.340 to add by July 1, 2012, three members to the State Board for Proprietary Education representative of community-based occupations and one program graduate and reduce school member representation on the board by two; clarify the responsibilities of the executive director; require

the board to promulgate administrative regulations, including board operations and accountability procedures, to require member institutions to publish outcomes and accountability data; to require institutions to obtain signatures of students that they have been made aware of accountability information; to require quality standards; to review advertisements and recruitment materials pursuant to KRS 367.170; to ensure sufficient bonds to cover reimbursement of student expenses if an institution is closed; to establish procedures for resolving student complaints; amend KRS 165A.370 to clarify investigation and complaint procedures; amend KRS 165A.390 to clarify that a certificate of approval may be suspended or revoked for violations of Kentucky statutes or administrative regulations, or reasonable professional and consumer protection standards; establish a process for transfer of board membership.

(Prefiled by the sponsor(s).)

**BR 249 - Representative Ron Crimm (12/10/10)**

AN ACT proposing an amendment to Sections 30 and 31 of the Constitution of Kentucky relating to elections of members to the General Assembly. Propose to amend Sections 30 and 31 of the Constitution of Kentucky to extend the terms of State Representatives from two to four years and State Senators from four to six years beginning in 2012; include transitional schedule; submit to voters for approval or disapproval.

(Prefiled by the sponsor(s).)

**BR 252 - Representative Brent Yonts (11/17/10)**

AN ACT relating to criminal procedure. Create a new section of KRS Chapter 196 to require the Department of Corrections to develop cost of incarceration and supervision information; create a new section of KRS Chapter 532 to require an acknowledgement of consultation with the cost of incarceration and supervision information prior to the acceptance of a felony plea bargain; amend KRS 532.055 relating to truth-in-sentencing to require that the cost of incarceration and supervision information be included in the sentencing phase of a trial.

(Prefiled by the sponsor(s).)

**BR 256 - Representative Rick G. Nelson (11/29/10)**

A JOINT RESOLUTION directing the Governor to cease all furloughs of Executive Branch employees and declaring an emergency. Direct the Governor to cease all furloughs of state employees for the remainder of the 2010-2012 Biennium; EMERGENCY.

(Prefiled by the sponsor(s).)

**BR 258 - Representative Terry Mills (11/17/10)**

AN ACT relating to school buses. Create a new section of KRS Chapter 189 to allow a local school board to sell advertising on school buses; prohibit certain types of advertising.

(Prefiled by the sponsor(s).)

**BR 260 - Representative Terry Mills (11/29/10)**

AN ACT relating to echocardiograms for infants. Create a new section of KRS Chapter 214 to require institutions that care for infants to have an echocardiogram performed on each newborn infant; create a new section of Subtitle 17A of KRS Chapter 304 to require health benefit plans to cover echocardiograms for infants 28 days of age or younger.

(Prefiled by the sponsor(s).)

**BR 262 - Representative John Will Stacy, Representative Derrick Graham, Representative Hubert Collins, Representative Mike Denham, Representative Terry Mills, Representative Tanya Pullin, Representative Fitz Steele, Representative Greg Stumbo (11/09/10)**

A JOINT RESOLUTION directing the Governor to cease all furloughs of Executive Branch employees. Direct the Governor to cease all furloughs of state employees for the remainder of the 2010-2012 Biennium.

(Prefiled by the sponsor(s).)

**BR 265 - Representative Brent Yonts (11/19/10)**

AN ACT relating to incom-



patible offices.  
Amend KRS 61.080 to make membership on a governing body of certain districts, local ethics bodies, and planning units, incompatible offices with other such positions within a county.  
(Prefiled by the sponsor(s).)

**BR 267 - Representative Ron Crimm (11/23/10)**

AN ACT relating to the operation of vehicles on a highway.  
Amend KRS 189.030 to require that headlamps on a vehicle shall be illuminated whenever the vehicle is being operated on a highway.  
(Prefiled by the sponsor(s).)

**BR 268 - Representative Ron Crimm (11/16/10)**

AN ACT relating to the gross revenues and excise tax fund.  
  
Amend KRS 136.650 to increase the hold harmless amount for fiscal year 2011-2012 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 receipt.

(Prefiled by the sponsor(s).)  
**BR 269 - Representative Ron Crimm (11/23/10)**

AN ACT relating to domestic relations.  
Amend KRS 403.200 to permit a court to provide for wage assignment and automatic electronic transfer of funds for payment of spousal maintenance; make technical corrections.  
(Prefiled by the sponsor(s).)

**BR 270 - Representative Ron Crimm (11/12/10)**

AN ACT relating to animals.  
Amend KRS 525.125, 525.130, and 525.135 to forfeit ownership of animals involved in cruelty and torture cases and prohibit ownership or possession of animals of the same species for two years.  
(Prefiled by the sponsor(s).)

**BR 271 - Representative Ron Crimm (11/16/10)**

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 certain annuity contracts with renewable periods with an interest rate in excess of the minimum rate, and that meet certain conditions; allow an annuity contract that provides flexible considerations to have a separate surrender charge schedule and separate calculation of maturity dates.  
  
(Prefiled by the sponsor(s).)

**BR 272 - Representative Ron Crimm (11/16/10)**

AN ACT relating to traffic control devices.  
Create a new section of KRS Chapter 189 to require local governments that have installed speed bumps or speed humps on a roadway under its jurisdiction to denote the speed bumps or speed humps using a road sign or paint them so that they are clearly visible to persons traveling the roadway.  
(Prefiled by the sponsor(s).)

**BR 274 - Senator Bob Leeper (12/16/10)**

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 waste disposal sites in the Commonwealth; repeal KRS 278.605.  
(Prefiled by the sponsor(s).)

**BR 278 - Representative Mike Denham (11/29/10)**

AN ACT relating to delinquent property taxes.  
Amend KRS 134.452 to reduce third-party purchaser fees beginning January 1, 2012.  
(Prefiled by the sponsor(s).)

**BR 279 - Representative Ron Crimm (11/23/10)**

AN ACT relating to child welfare.  
Amend KRS 600.020 to establish a new definition for “independent living” as it relates to a child committed to the custody of the Commonwealth; amend KRS 620.140 to establish that a child committed to the custody of the Commonwealth may request, no later than 12 months after attaining the age of 18 years, to extend or reinstate the commitment; amend KRS 620.250 to allow local foster care review boards to have access to the educational records of children committed to the custody of the Commonwealth.

(Prefiled by the sponsor(s).)  
**BR 288 - Senator Jack Westwood (12/16/10)**

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 311.710 to 311.820 to require an ultrasound prior to an abortion; amend KRS 311.990 to provide a criminal penalty.  
(Prefiled by the sponsor(s).)

**BR 289 - Representative Reginald Meeks (12/17/10)**

A RESOLUTION commending the Congress of the United States for fully funding the settlement regarding African-American farmers who experienced discrimination in dealings with the United States Department of Agriculture between January 1981 and December 1996.  
Commend the Congress of the United States for fully funding the settlement regarding African-American farmers who experienced discrimination in dealings with the United States Department of Agriculture between January 1981 and December 1996.  
(Prefiled by the sponsor(s).)

**BR 290 - Representative Dennis Keene (11/29/10)**  
  
AN ACT relating to driving under the influence and making an appropriation therefor.

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 ignition 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 and require ignition interlock usage beginning with the first DUI offense; amend KRS 189A.340 to establish an assistance fund for indigent defendants; amend KRS 189A.410 to require ignition interlock usage while an offender is driving on a hardship license.  
(Prefiled by the sponsor(s).)

**BR 291 - Representative Dennis Horlander (12/02/10)**

AN ACT relating to residential property.  
Create a new section of KRS Chapter 82, relating to cities, to require a creditor to register vacant residential property with the local government in which the property is located; create penalty for failure to comply.  
(Prefiled by the sponsor(s).)

**BR 292 - Representative Dennis Horlander (12/17/10)**

AN ACT relating to the filing of deeds in lieu of foreclosure in the county clerk’s office.  
Amend KRS 382.110 to require mortgage holders to file deeds in lieu of foreclosure within ten days of executing the deed; amend KRS 382.990 to provide that a mortgage holder failing to record a deed within ten days is guilty of a violation.  
(Prefiled by the sponsor(s).)

**BR 293 - Representative Dennis Horlander (12/17/10)**

AN ACT relating to the publication of legal advertisements.  
Amend KRS 424.130 to allow advertisements for the purpose of



informing the public and the advertisement is a notice of delinquent taxes, or notice of the sale of tax claims to be published once a week for three consecutive weeks in addition to the existing requirement of once, preceded by a half page notice of advertisement the previous week; amend KRS 424.220 to allow cities of the sixth class that have not conducted an annual audit under the provisions of KRS 91A.040(2) or (3) to publish a legal display advertisement to satisfy the financial statement publication requirements set out in paragraph (a) of subsection (6) of the section; amend KRS 67A.070 to require all ordinances of an urban-county government to be published either in full or otherwise by title and certified synopsis that includes the publication of the full text of sections that impose taxes or fees; remove the requirement for the publication of resolutions; remove the requirement to publish the full text of ordinances or resolutions imposing fines, forfeitures, or imprisonment.

(Prefiled by the sponsor(s).)

#### **BR 294 - Representative Ron Crimm (12/07/10)**

AN ACT relating to insurance agents.

Create a new section of Subtitle 3 of KRS Chapter 304 to require insurers to provide a copy of information sent to an insured regarding the insured's policy and a list of the affected insureds to the agent who sold the contract of insurance to the insureds listed.

(Prefiled by the sponsor(s).)

#### **BR 310 - Representative Addia Wuchner, Representative Bob M. DeWeese (12/16/10)**

A CONCURRENT RESOLUTION establishing the Legislative Task Force on Childhood Obesity.

Direct the Legislative Research Commission to establish the Legislative Task Force on Childhood Obesity to meet at least monthly during the 2011 Interim of the General Assembly; require the task force to report any recommendations and findings by November 30, 2011, to the Legislative Research Commission and the Interim Joint Committee on Health and Welfare.

(Prefiled by the sponsor(s).)

#### **BR 312 - Representative Ad-**

#### **dia Wuchner (12/07/10)**

AN ACT relating to educating parents and caregivers about pediatric abusive head trauma.

Create a new section of noncodified language to acknowledge Kentucky's high ranking in child abuse deaths and to recognize the importance of a pediatric abusive head trauma prevention program for new parents offered at several Louisville area hospitals; create a new section of KRS Chapter 216B to define the phrase "birthing center" and to strongly encourage all birthing centers in the Commonwealth to provide a program relating to the prevention of pediatric abusive head trauma at the time of discharge.

(Prefiled by the sponsor(s).)

#### **BR 316 - Representative Joseph M. Fischer, Representative Addia Wuchner, Representative Brad Montell (12/16/10)**

AN ACT relating to health care mandates.

Establish Subtitle 17D of KRS Chapter 304 and create new sections thereof to define terms and prohibit any federal or state law that compels a person, employer, or health care provider to participate in a health care system; define "abortion," "elective abortion," "health benefit exchange," and "small group"; prohibit elective abortion coverage by a qualified health benefit plan delivered or issued by a health benefit exchange in accordance with the opt-out provision of the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act; amend KRS 304.5-160 to conform.

(Prefiled by the sponsor(s).)

#### **BR 327 - Representative Mike Denham (11/29/10)**

AN ACT relating to transportation.

Amend KRS 189.030 to require illumination of headlights during any period of precipitation that necessitates the use of windshield wipers by motorists.

(Prefiled by the sponsor(s).)

#### **BR 328 - Representative Mike Denham (11/23/10)**

AN ACT relating to weights and measures.

Create a new section of KRS 363.510 to 363.850 to allow the Commissioner of Agriculture to promulgate administrative regulations relating to tobacco moisture testing devices; amend KRS 363.510 to include instruments to measure internal moisture or density of unprocessed bulk tobacco in the "weights and measures" definition.

(Prefiled by the sponsor(s).)

#### **BR 331 - Representative Dwight D. Butler, Representative Martha Jane King (12/16/10)**

AN ACT relating to tax credits for hiring legally blind or severely disabled individuals.

Create a new section of KRS Chapter 141 to provide a nonrefundable income tax credit for tax years beginning on or after January 1, 2012, for taxpayers who contract with a resident nonprofit organization for services performed by individuals who are legally blind or severely disabled; amend KRS 141.0205 to provide the order in which the credit may be claimed.

(Prefiled by the sponsor(s).)

#### **BR 337 - Representative Rick G. Nelson (12/10/10)**

AN ACT relating to identification for food stamp users.

Amend KRS 205.200 to require that an applicant for benefits under the food stamp program show a government-issued photo ID card at the initial interview to determine eligibility; create a new section of KRS Chapter 205 to require retail establishments to require a government-issued photo ID card before accepting payment from a food stamp enrollee using a food stamp card; require cashiers to request a government-issued photo ID card of a food stamp enrollee before accepting payment from another individual using a food stamp enrollee's card; amend KRS 205.990 to require that retail establishments that fail to comply shall be fined \$500 for the first offense and \$1,000 for each subsequent offense, and give the cabinet authority to revoke the food stamp privileges of retail establishments that don't comply.

(Prefiled by the sponsor(s).)

#### **BR 338 - Senator John**

#### **Schickel (12/16/10)**

AN ACT relating to the exclusion of abortion coverage for health insurance exchanges.

Establish Subtitle 17D of KRS Chapter 304 and create new sections thereof to define "health benefit exchange" and "small employer" for the purposes of health benefit exchange individual and small group health plans; prohibit abortion coverage by a qualified health benefit plan through a health benefit exchange in accordance with the opt-out provision of the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, except when the life of the mother is endangered.

(Prefiled by the sponsor(s).)

#### **BR 343 - Representative Rick G. Nelson (11/30/10)**

AN ACT relating to the school meal program.

Create a new section of KRS Chapter 158 to require that a student whose family income meets reduced-price or full-price meals shall not be denied the same meal offerings as made available to all other students if the student is unable to pay for a meal; permit the local school board to seek reimbursement of unpaid meal charges from the parents or guardians in the small claims division of the District Court or other appropriate means; prohibit the board from requiring a student be provided a substitute, alternative, or lesser meal offering.

(Prefiled by the sponsor(s).)

#### **BR 344 - Representative Rick G. Nelson (12/14/10)**

AN ACT relating to information technology.

Create new sections of KRS Chapter 369 to establish definitions relating to Internet Web sites, blogs, and message boards; require registration by parties who post entries to these interactive services; require providers of these services to conspicuously identify the parties who post entries; require providers of these services to disclose, upon request, the names, addresses, and e-mail addresses of parties posting entries; establish penalties of \$500 for first offense and \$1,000 for each subsequent offense.

(Prefiled by the sponsor(s).)

#### **BR 345 - Representative Rick**



**G. Nelson (12/17/10)**

AN ACT relating to broadband telecommunications.  
Create a new section of KRS Chapter 278 to provide that any business in the Commonwealth of Kentucky with annual gross earnings of less than \$50,000 a year shall be offered the same rate as the bundled residential or individual rate for broadband telecommunications service, notwithstanding any other provision of law and subject to the oversight of the Federal Communications Commission; amend KRS 278.5462 to conform.

(Prefiled by the sponsor(s).)

**BR 350 - Representative Rick G. Nelson (12/14/10)**

AN ACT relating to public safety.  
Create a new section of KRS 177.010 to 177.890 to require the Department of Highways to inspect all public railroad grade crossings with an average daily traffic count of 750 vehicle or more at least 2 times per year; require results of the inspection to be kept on file for 5 years; require the department to promulgate administrative regulations to establish standards for railroad grade crossings; require the department to publish the list on its Web site.

(Prefiled by the sponsor(s).)

**BR 367 - Representative Brad Montell (12/02/10)**

AN ACT relating to adjustments to child support awards for shared parenting time.  
Create a new section of KRS Chapter 403 to establish conditions for adjusting the presumptive child support award under the child support guidelines table on the basis of a shared parenting order for physical custody of a child; exempt children receiving public assistance.

(Prefiled by the sponsor(s).)

**BR 375 - Representative Kelly Flood (12/16/10)**

AN ACT relating to low-profit limited liability companies.  
Amend KRS 275.100 to allow a limited liability company meeting and operating under certain conditions to be recognized as a low-profit limited liability company or L3C; amend KRS 14A.3-010 to conform.

(Prefiled by the sponsor(s).)

**BR 384 - Representative Carl Rollins II (12/17/10)**

AN ACT relating to educator evaluation.  
Amend KRS 156.557 to require the Kentucky Board of Education to establish a statewide system of evaluation for all certified personnel; require the Department of Education, in partnership with professional organizations, to develop the system prior to the 2012-2013 school year; require the board to establish the weights to be applied to each performance criteria.

(Prefiled by the sponsor(s).)

**BR 385 - Representative Carl Rollins II (12/17/10)**

A RESOLUTION in support of amending the United States Constitution to prevent corporate control of elections.  
Urge the United States Congress to act to amend the United States Constitution to prevent corporate control of elections.

(Prefiled by the sponsor(s).)

**BR 386 - Representative Carl Rollins II (12/17/10)**

AN ACT relating to property tax.  
Amend KRS 132.020 to specify the property tax rate for wooden boats 25 years old or older; amend KRS 132.200 to subject wooden boats 25 years old or older to state property tax only; effective January 1, 2012.

(Prefiled by the sponsor(s).)

**BR 393 - Representative Mary Lou Marzian, Representative Joni L. Jenkins, Representative Darryl T. Owens, Representative Susan Westrom (12/16/10)**

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 344.025, 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 344.100 and 344.110 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 344.680, 344.370, 344.380, and 344.360, 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; amend KRS 18A.095 to conform.

(Prefiled by the sponsor(s).)

**BR 395 - Representative Brent Yonts (12/14/10)**

AN ACT relating to court costs.  
Amend KRS 23A.220 and 24A.185 relating to supplemental court fees imposed by counties to support courthouse operation and construction to require an annual public accounting of the disposition of the funds collected and to restrict expenditure of those funds to Court of Justice purposes only; amend KRS 147A.021 to require the Department for Local Government to publish the collected information; include noncodified transitional provisions.

(Prefiled by the sponsor(s).)

**BR 396 - Senator Alice Forgy Kerr (12/16/10)**

AN ACT relating to annexation maps and declaring an emergency.  
Amend KRS 81A.470 to eliminate requirement for recording annexation map, description, and copy of ordinance with the Department for Local Government, retroactively to July 15, 2010; amend KRS 81.420 to clarify

public notice requirements for a merged or consolidated city; EMERGENCY.  
(Prefiled by the sponsor(s).)

**BR 397 - Representative Stan Lee (12/14/10)**

AN ACT relating to firearms, including ammunition and accessories for firearms.  
Create new sections of KRS Chapter 237 relating to firearms, ammunition, and firearms accessories made in Kentucky, marked “made in Kentucky,” and used in Kentucky to specify that these items are exempt from federal law; specify that the exemption does not apply to machine guns, silencers, exploding ammunition, and firearms with a bore of 1 1/2 inches; name law the “Kentucky Firearms Freedom Act.”

(Prefiled by the sponsor(s).)

**BR 400 - Representative Carl Rollins II (12/17/10)**

AN ACT relating to the training of city government officials.  
Create new sections of KRS Chapter 64 to define “city,” “city officer,” “training unit”; and “training incentive multiplier”; establish requirements and options for city governments to pass an optional city official training program that includes financial incentives for undergoing training relevant to city operations; provide that the ordinance can be repealed by the city, that the training incentive payments are not used in calculating retirement benefits, are not considered compensation for establishing compensation of elected city officers or for setting maximum compensation under KRS 83A.075(2), and to allow a city to use other methods of promoting training for elected officers and employees of the city; amend KRS 78.510 to exclude the training incentive from the County Employees Retirement System.

(Prefiled by the sponsor(s).)

**BR 405 - Representative Rick G. Nelson (12/16/10)**

AN ACT relating to drug offender information.  
Create a new section of KRS Chapter 27A to require the Administrative Office of the Courts to establish a public Web site containing information on persons convicted of felony drug trafficking offenses and provide



for removal of that information under specified circumstances.  
(Prefiled by the sponsor(s).)

**BR 406 - Representative Rick G. Nelson (12/13/10)**

AN ACT relating to the state budget.  
Create a new section of KRS Chapter 6 to require that all meetings of members of the General Assembly concerning the executive, legislative, and judicial branch budgets shall be subject to the open meetings laws; amend KRS 61.810 to exclude all meetings of members of the General Assembly concerning the executive, legislative, and judicial branch budgets from the exceptions to the open meetings laws.  
(Prefiled by the sponsor(s).)

**BR 409 - Representative Jim Wayne (12/16/10)**

AN ACT relating to the destruction of firearms.  
Create a new section of KRS Chapter 500 to provide that a firearm used in the commission of a homicide, fetal homicide, or assault against a peace officer or firefighter shall be destroyed upon the conclusion of the criminal proceeding; establish the procedure for certification of destruction; amend KRS 16.210, 16.220, 237.090, 500.090, and 527.060 to conform.  
(Prefiled by the sponsor(s).)

**BR 410 - Representative Carl Rollins II (12/17/10)**

A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the factors impacting the academic achievement of African-American male students in the public schools of the Commonwealth and the characteristics of schools that are effective in producing high levels of achievement for this population.  
Direct the Legislative Research Commission to study the factors impacting the academic achievement of African-American male students in the public schools of the Commonwealth and the characteristics of schools that are effective in producing high levels of achievement for this population; require a draft report by October 15, 2012, for review by the Interim Joint Committee on Education.

(Prefiled by the sponsor(s).)  
**BR 415 - Representative Keith Hall (12/17/10)**

A JOINT RESOLUTION designating the bridge on Kentucky Route 1506 in South Williamson in memory of William H. “Larry” Tackett.  
Direct the Transportation Cabinet to designate the bridge on Kentucky Route 1506 in South Williamson as the William H. “Larry” Tackett Memorial Bridge and to erect signs denoting this designation.  
(Prefiled by the sponsor(s).)

**BR 418 - Representative Stan Lee (12/16/10)**

AN ACT relating to postsecondary education residency requirements.  
Amend KRS 164.020 to require that the minimum qualifications for admission to a public postsecondary institution shall require a person to be a U.S. citizen, national, or permanent resident, or meet other specified requirements; amend residency requirements to conform; amend KRS 164.518 to require status as a U.S. citizen, national, or permanent resident in order to be eligible for an early childhood education scholarship; amend KRS 164.753 to require status as a U.S. citizen, national, or permanent resident to be eligible for postsecondary grants and scholarships administered by the Kentucky Higher Education Assistance Authority (KHEAA); amend KRS 164.753 and 164.7535 to require status as a U.S. citizen, national, or permanent resident to be eligible for College Access Program grants; amend KRS 164.769 to make U.S. nationals and permanent residents eligible for the Teacher Scholarship Program; amend KRS 164.785 to require status as a U.S. citizen, national, or permanent resident to be eligible for the Kentucky Tuition Grant Program; amend KRS 164.7874 to clarify language requiring status as a U.S. citizen, national, or permanent resident to be eligible for the Kentucky Educational Excellence Scholarship (KEES) program; amend KRS 164.7885 to require a participating institution to verify to KHEAA the student’s status as a U.S. citizen, national, or permanent resident for the purposes of implementing the KEES program; amend KRS 164.7891 to make U.S. nationals and permanent residents

eligible for the Osteopathic Medicine Scholarship Program.  
(Prefiled by the sponsor(s).)

**BR 420 - Representative Jim Wayne (12/17/10)**

AN ACT relating to the reporting of tax inducements.  
Amend KRS 48.010 to define terms related to the economic development and tourism project expenditure report; amend KRS 48.315, 131.585, and 224.43-505 to conform; create a new section of KRS Chapter 48 to require, no later than October 15, 2012, and annually thereafter, the publication of a state economic development and tourism project expenditure report by the Office of State Budget Director and the submission of that report to the Legislative Research Commission; create a new section of KRS Chapter 131 to require the Department of Revenue to provide data to the Office of State Budget Director on development tax expenditures and tax expenditures annually; amend KRS 131.190 to allow the department to disclose the information; create a new section of Subchapter 12 of KRS Chapter 154 to require the submission of data by the Cabinet for Economic Development to the Office of State Budget Director; create a new section of KRS Chapter 148 to require the submission of data by the Tourism, Arts and Heritage Cabinet to the Office of State Budget Director.  
(Prefiled by the sponsor(s).)

**BR 421 - Representative Jim Wayne (12/16/10)**

AN ACT relating to the sunsetting of tax inducement programs.  
Create a new section of KRS Chapter 6 to require a systematic review by the Program Review and Investigations Committee of the Legislative Research Commission, with the assistance of the Tourism, Arts and Heritage Cabinet, the Cabinet for Economic Development and the Department of Revenue, of each tax increment financing, tourism development, and economic development program one year prior to its expiration as scheduled; amend KRS 131.190 to provide for confidentiality of information supplied to Legislative Research Commission staff related to the systematic review.  
(Prefiled by the sponsor(s).)

**BR 422 - Representa-**

**tive Ruth Ann Palumbo (12/14/10)**

AN ACT relating to the protection of adults.  
Create a new section of KRS Chapter 209 to define the terms “adult” and “cabinet”; require the Cabinet for Health and Family Services to establish a registry of persons found to have abused, neglected, or exploited an adult; require an appeal process for persons against whom allegations have been substantiated by the cabinet, and prohibit a licensed or certified facility or program from employing a person on the registry; create a new section of KRS Chapter 216B to prohibit health care facilities and services licensed under KRS Chapter 216B from employing, contracting with, or accepting volunteer services from a person whose name appears on the registry; amend KRS 205.5606 to prohibit persons who provide services or supports from employing, contracting with, or accepting volunteer services from a person whose name appears on the registry; amend KRS 210.795 to prohibit an individual whose name appears on the registry from being a provider and to prohibit a provider from employing, contracting with, or accepting volunteer services from a person whose name appears on the registry.  
(Prefiled by the sponsor(s).)

**BR 424 - Representative Mike Cherry (12/14/10)**

AN ACT relating to retirement.  
Amend KRS 6.525 to prohibit members of the Legislators’ Retirement Plan, who begin contributing on or after the effective date of the Act, from using salary earned in another state-administered retirement system or plan to calculate benefits in the Legislators’ Retirement Plan.  
(Prefiled by the sponsor(s).)

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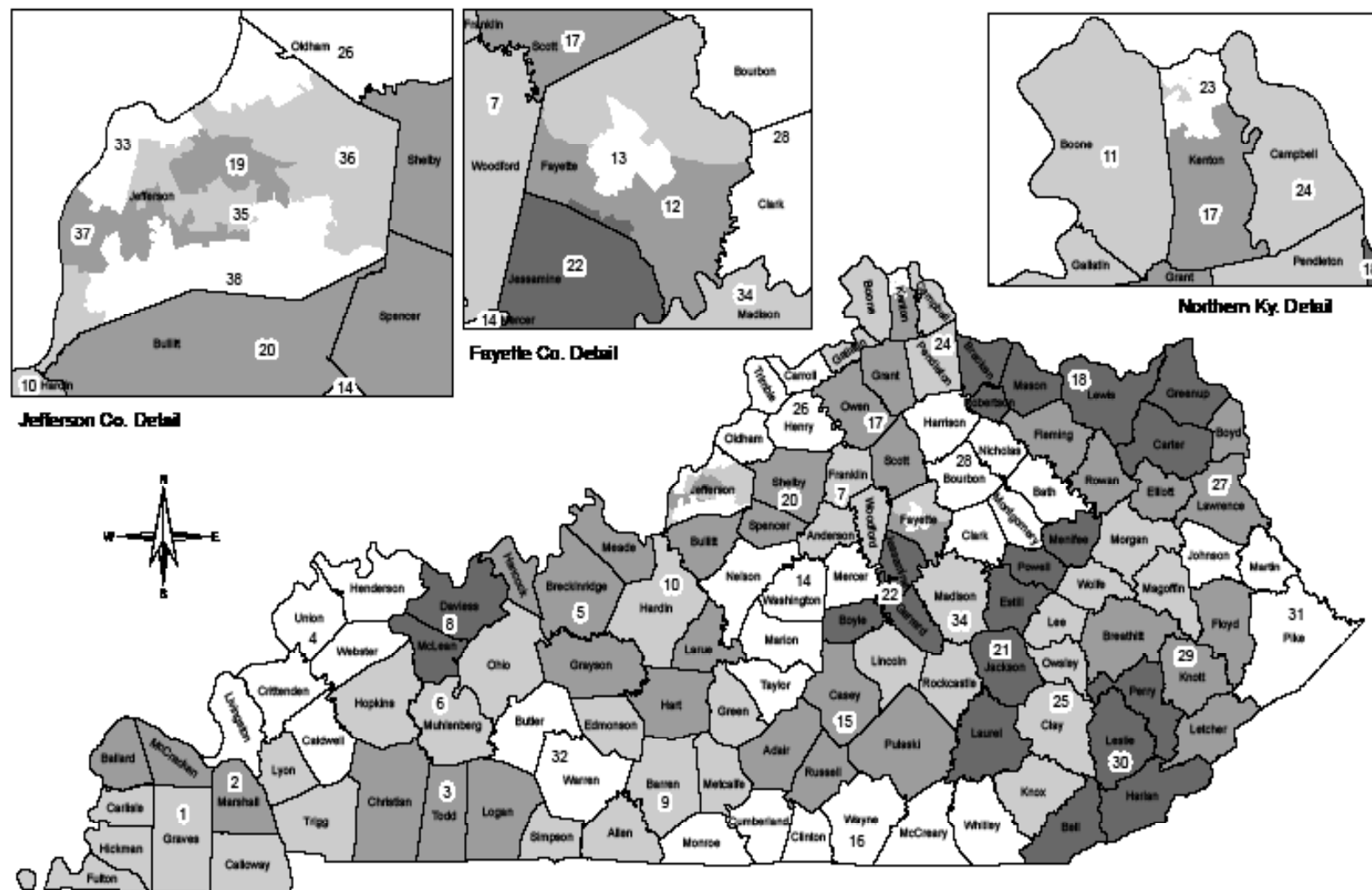
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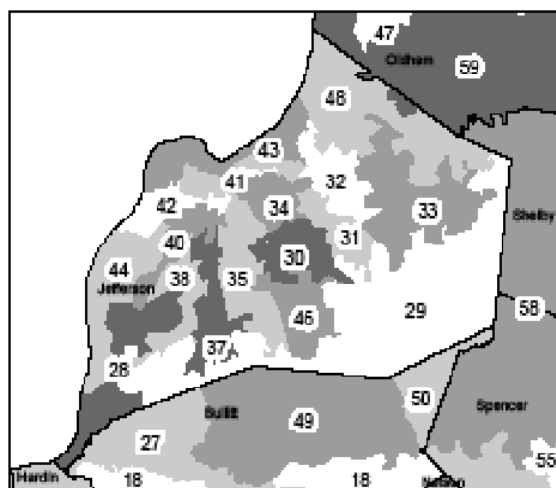
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Senate Plan (SH001A09) became law (KRS 5.101 - 5.138) January 31, 2002, with enactment of House Bill 1.

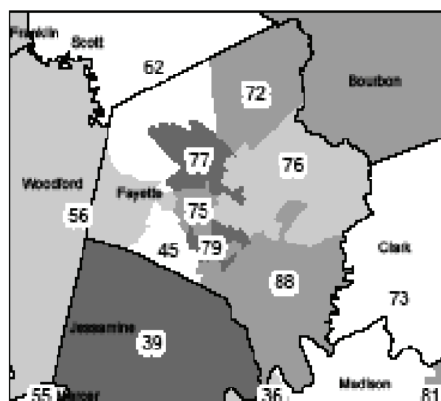
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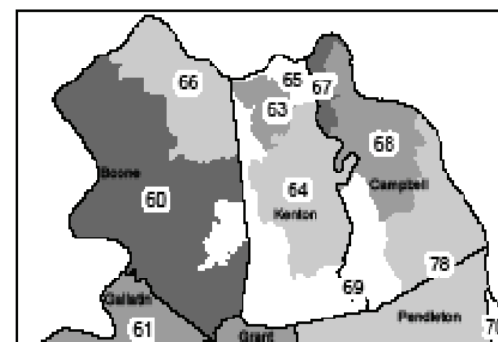




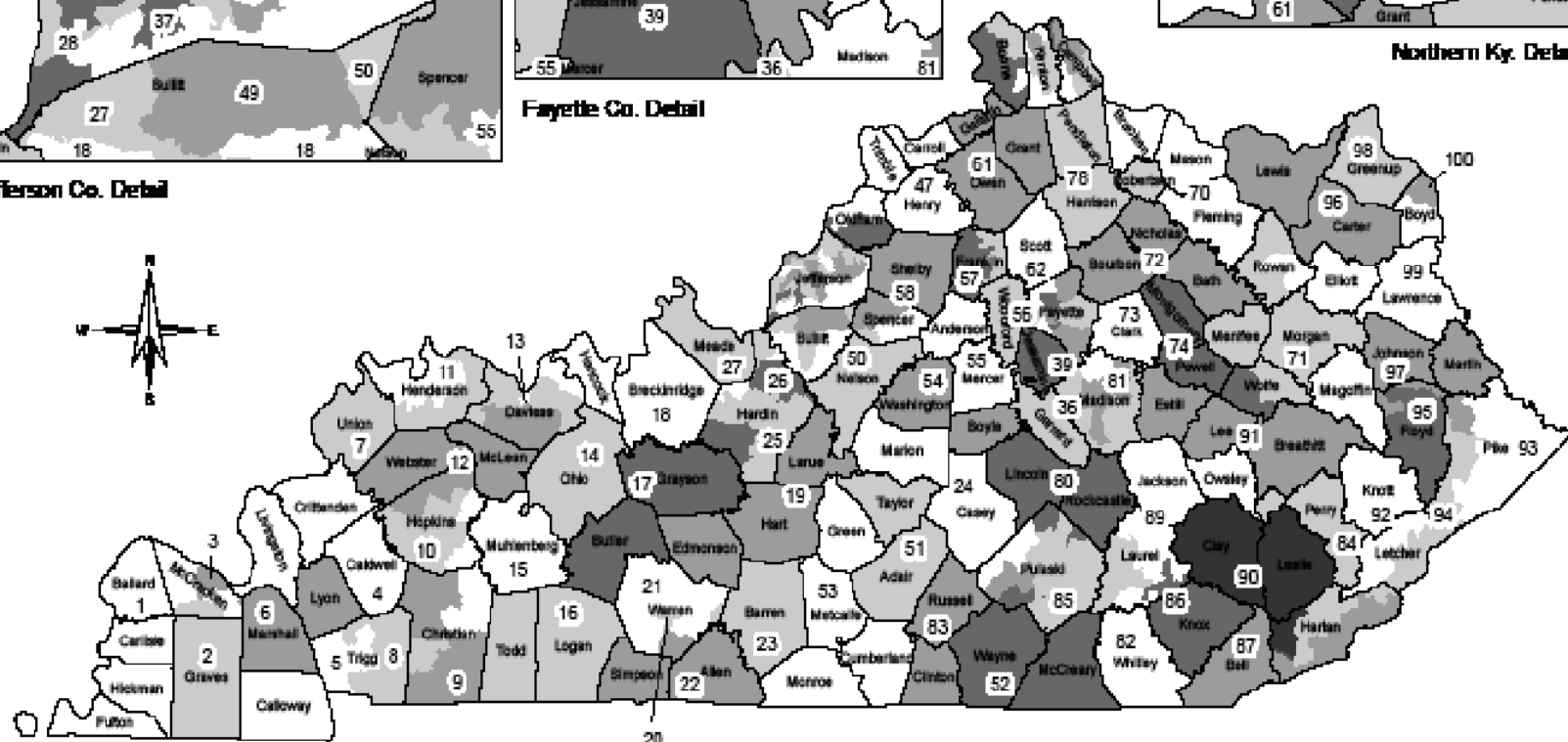
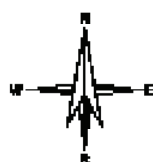
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**Fayette Co. Detail**



**Northern Ky. Detail**



# 2002 Kentucky House Districts

House Plan (HH001A11) became law (SES 5.201 - 5.300) January 31, 2002, with enactment of House Bill 1.

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