New laws hit the state books

by Chuck Truesdell LRC Public Information

New laws approved during the Kentucky General Assembly's 2010 regular session went into effect on Thursday, July 15.

GPS tracking devices for some accused domestic abusers, a ban on texting while driving, and expanded sunshine laws for quasi-governmental agencies are among the laws now being enforced across the commonwealth.

The state constitution states that new laws take effect 90 days following the adjournment of the legislature, unless the bill contains another effective date or is declared an emergency. New drug laws and revised options for low-performing schools, for example, have been in force since being signed into law by the governor earlier in the year.

The General Assembly adjourned sine die on April 15, making the new laws effective "the first moment of July 15, 2010."

Of the 163 bills and eight joint resolutions set to become law, all or part of 23 had special effective dates, including emergency legislation.

Among the new laws that took effect on July 15 are the following:

Accountability. Senate Bill 88 allows greater public scrutiny of the Kentucky League of Cities and the Kentucky Association of Counties by making both groups adhere to the state's open records and open meetings laws. The bill also requires the groups to place spending reports online and develop policies on ethics, procurement, hiring and compensation.

Agriculture. House Bill 398 creates an equine council to advise the state on equine health matters and strive to establish regional care centers for unwanted, neglected and abused

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the new laws

horses. The legislation also es-The General tablishes a livestock care standards commission and prohibits local governments, with some exceptions, from having on-farm animal care standards on April 15, that exceed state standards.

> Bee habitats. Senate Joint Resolution 177 requires the state apiarist to work with the Transportation Cabinet and local beekeeping clubs to identify state-owned rights-of-way that could be made into polli-

nator habitat sites for bees. Another piece of legislation, HB 175, encourages the development of bee habitats on mine reclamation sites to speed up plant growth and improve soil stability.

Child abuse. HB 285 boosts training for health care officials, day care workers and others who work with children improve their abilities to spot signs of child abuse.

Cancer. SB 18 prohibits health insurers from excluding coverage for routine care while a person takes part in a clinical cancer trial.

Concealed carry. HB 19 allows military personnel to renew their concealed deadly weapon early and by mail, and allowing a grace period after they return from deployment to renew their license.



Senate Minority Floor Leader Ed Worley, D-Richmond, at left, and Senate Minority Caucus Chair Johnny Ray Turner, D-Drift, speak on the Senate floor during the 2010 Regular Session.

Mike Sunseri / LRC Public Information

Corrections. SB 17 makes it a felony for workers at prisons, jails or detention centers to have sex with inmates.

Discharge papers. HB 106 forbids the now-legal practice of allowing people to inspect their mili-

Continued on page 2

Nominations now accepted for 2010 Vic Hellard Jr. Award

The Kentucky Legislative Research Commission is now accepting nominations for the 2010 Vic Hellard Jr. Award. The award, given annually in memory and recognition of Mr. Hellard's contributions to an independent legislative institution and devoted service to the Commonwealth, recognizes a person who has advanced the interests of citizens of the Commonwealth by example and leadership.

Letters of nomination should be submitted by Sept. 30, 2010 and should explain how the candidate: 1) Demonstrates vision, considering the long-term implications for the public good; 2) Demonstrates innovation, finding new approaches while appreciating history; 3) Champions the equality and dignity of all; 4) Enhances the processes of a democratic society, promoting public dialogue, educating citizens and decision makers, and fostering civic engagement, and; 5) Approaches work with commitment, caring, gererosity and humor.

Please submit nominations to: Hellard Award Selection Committee, Legislative Research Commission, Attn: Anita Muckelroy, 702 Capitol Avenue, Room 003, Frankfort, KY 40601, or online at www.lrc.ky.gov/HellardAward.htm.



Vic Hellard Jr.

New laws, from page 1

tary discharge papers on file with the county clerk, and instead allows them to receive a copy of the papers to prevent viewing of others' papers.

Domestic violence. HB 1 allows judges to order those who violate a domestic violence order (DVO) to wear a global positioning system tracking device to help ensure that abusers remain the required distance from victims.

The bill allows felony charges to be pressed against DVO violators who attempt to remove a court-ordered tracking device. The legislation is known as Amanda's Bill in honor of state worker Amanda Ross, who was shot to death outside her Lexington home last fall.

Drugs. HB 265 strengthens the prosecution of drivers found to be under the influence of illegal drugs or certain prescription drugs. The legislation also criminalizes two street drugs: synthetic marijuana and piperazines.

Education. HB 160 makes it easier for community and technical college students to transfer credits to four-year universities.

Historic site. HB 420 designates the Hurricane Creek mine site in Leslie County, at which 38 miners lost their lives in 1970, as a state historic site.

History. HB 339 creates the Commonwealth of Kentucky War of 1812 Commission to plan activities for the War of 1812 Bicentennial – which is two years away – and commemorate the significant roles Kentuckians played in the war.

Inmates. SB 32 requires all inmates in local or regional jails to exhaust in-house administrative rem-

edies before filing civil suits against those jails. The new law mirrors that currently in effect for state prisons. Another bill, SB 47, allows county jails to charge medical co-pays to inmates who receive treatment.

License plates. SB 71 creates a special license plate for recipients of the Silver Star Medal or the Bronze Star Medal awarded for valor.

HB 96 permits the surviving spouse of a Purple Heart recipient to keep special license plate assigned to that recipient. HB 261 creates Gold Star Fathers license plates similar to the Gold Star Mothers plates that are already offered.

Literacy. SB 163 directs the Department of Education to provide assistance in teaching strategies that help teachers improve their students' reading skills.

The bill also encourages development of comprehensive middle and high school reading plans.

Mental health. HB 231 creates a new level of specialty treatment centers for children with severe psychiatric disorders who must currently go to other states to receive the level of care they require.

Military families. SB 30 extends the eligibility of military personnel and their families eligible for military family assistance trust grants from 90 to 180 days after the end of deployment.

Music. House Joint Resolution 154 designates Kentucky's Sam Bush as "The Father of Newgrass Music" and Bowling Green as "The Birthplace of Newgrass Music." **Nurses.** SB 127 allows every public university in the state to offer advanced doctoral programs in nursing upon approval of the Council on Postsecondary Education.

Organ Donation. SB 4 clarifies the procedures for organ donation, including who can act when no intentions are stated, and conforms state laws to match most other state's rules for anatomical gifts.

The law also allows potential donors to explicitly forbid their organs from being donated.

Parks. HB 14 offers up to three free overnight stays at state parks lodges to totally disabled military veterans, subject to space availability and other criteria.

Pharmacies. HB 300 allows pharmacists authority to grant emergency 30-day supplies of medication and temporarily operate a pharmacy outside their permitted location when the governor declares a state of emergency.

Philanthropy. SB 227 creates the Endow Kentucky Program, aimed at helping community foundations that can receive charitable contributions.

Reading. SB 163 directs the state Department of Education and the Collaborative Center for Literacy Development to work on strategies to help adolescents develop their reading skills.

Road safety. HB 415 prohibits texting while driving. Violators will be given courtesy warnings until Jan. 1, 2011, after which violators will face fines and court costs.

The legislation also prohibits cell

phone use by drivers under 18.

State contracts. SB 45 gives preference in state contracts to Kentucky businesses by awarding them the benefits that out-of-state bidders have in their own states.

Teachers. HB 447 allows private schools to require criminal background checks for their teachers every five years.

Veterans preference. HB 75 requires all state job applicants who receive military and military family preference points to receive an interview, unless there are five or more qualifiers, in which case at least five must receive an interview.

Stroke centers. SB 1 is aimed at saving lives and improving health care by attracting stroke patients to the state's best stroke care centers.

The legislation allows the state to bestow a special designation on nationally certified primary stroke centers in Kentucky.

Suicide prevention. SB 65 requires annual suicide prevention instruction for school principals, guidance counselors and teachers.

HB 51 requires suicide prevention materials to be distributed to middle and high school students and requires the state Cabinet for Health and Family Services to post suicide prevention information on its website.

Veterans' services. HB 377 ensures that combat veterans charged with crimes are provided with contact information for services that offer help for post-traumatic stress and other combat-related disorders.

Judiciary panel revisits ignition interlock issue

by Rebecca Mullins Hanchett LRC Public Information

Keeping DUI offenders off the road with breathalyzers linked to their vehicles' ignition systems is not a new idea.

It's certainly not new in Kentucky, where judges have the discretion to order ignition interlock devices for DUI offenders. What judges can-

not do, despite recent legislative attempts, is mandate use of the devices as part of every DUI sentencing in the state. And some—including the Kentucky Department of Public Advocacy, which represents about two-thirds of the state's DUI defendants—want to keep it that way.

Public Advocate Ed Monahan told the state legislative Interim Joint Commission on Judiciary on July 14 that his office has three main concerns about legislation that would make the device mandatory: the cost of the device (estimated at \$70 per month per vehicle), the effectiveness of the device, and taking away judicial discretion on when the device is necessary. Most states that have made the device mandatory for DUI offenders include provisions in their law that make the device affordable for indigent clients,

said Public Advocacy employee Damon Preston, but, he added, there is still the question of the device's effectiveness.

"There is plenty of information as far as when these systems don't work," said Preston. "When they don't work, it's a real consequence." Failure or ineffectiveness of the device could, for

Continued on page 3

School calendar options cause questions, creativity

by Chuck Truesdell LRC Public Information

State mandates on class time and scheduling combined with recent weather and illness issues have led to some creative calendars for local districts, lawmakers heard on July 12.

State law requires calendars to include 175 instructional days, although the current budget merely requires the equivalent of 177 sixhour instructional days, or 1,062 hours. Teachers are also required to have 185 total days, including professional development and planning time

District calendars must also plan for make-up days as necessary, with each district required to account for the maximum days missed in the last five years. Some districts in eastern Kentucky must schedule more than 30 make-up days and make no provision for fall or spring breaks, which lead to school years scheduled to end in April if no days are cancelled.

School years must absolutely end by June 30 because of the fiscal year, and other quirks in the calendar in late May lead each local district to address the calendar differently. "You absolutely cannot make everyone happy," Education Commissioner Terry Holliday told members of the Interim Joint Committee on Education's Subcommittee on Elementary and Secondary Education.

Adair County Superintendent Darrell Treece said his district scheduled school on Saturday this year because classes on Election Day (May 18) were forbidden, veterans would have been offended by

classes on Memorial Day (May 31), and holding the extra day on June 1 would have caused pension problems for teachers who had already submitted retirement papers ending their positions on May 31. As a result, attendance was only 75 percent that Saturday, he said.

Letcher County Superintendent Anna Craft scheduled school for Memorial Day, but included programs on the holiday and its meaning to address veterans' concerns.

To head off issues in the future, Holliday said, districts are scheduling start dates for earlier in the year, building in the extra time for make-up days. With the flexibility to use fewer days to attain the required hours for this biennium, he added, some districts are extending the school day.

The key, said Craft and Lee County Superintendent Jim Evans, is making sure the time is used for teaching, not just to cut down on the number of days students walk through the doors. "In 30-minute segments, you can have meaningful instruction," Craft said.

At the same time, some said, the school day can't run so long that students tune out. "There is a point where we're following the law, but are we accomplishing the purpose?" said Subcommittee co-chair Sen. Vernie McGaha, R-Russell Springs.

Another option, Holliday said, was "virtual school," where teachers could hold classes over the Internet.

One helpful change the General Assembly has already made, they noted, was the switch in statewide testing from a fixed date across all schools to a schedule based on individual districts' calendars.

Coal to remain state's top fuel, lawmakers told

by Rebecca Mullins Hanchett LRC Public Information

With fossil fuel expected to continue meeting most of Kentucky's energy needs in the future, state researchers haven't stopped finding the best way to use coal.

And one of the best ways, as testimony from University of Kentucky Cen-

ter for Applied Energy Research Director Dr. Rodney Andrews indicates, is to make coal more efficient.

Some new coal technologies like chemical looping combustion engines "could be one of the future...technologies that potentially has overall plant efficiency with carbon dioxide capture," Andrews told a meeting of the Kentucky General Assembly's Interim Joint Committee on Natural Resources and Environment on July 1. The chemical looping gas turbines under certain conditions are nearly 50 percent efficient, said Andrews.

CAER is also working on carbon management strategies for existing electric power plants in the state, Andrews said, with a focus on "carbon capture"—capturing carbon dioxide produced by the burning of coal. Other technologies being researched by CAER



Interim Joint Committee on Natural Resources and Environment Co-Chair Sen. Brandon Smith, R-Hazard, fields questions during the committee's July 1 meeting in Frankfort.

Bud Kraft / LRC Public Information

are the conversion of coal, natural gas or biomass to liquid fuel, and the reuse of ash left over when coal is burned. Also called fly ash, the residue is often used by the construction industry to make cement.

Committee co-chair Rep. Jim Gooch, D-Providence, commented on the state's number of aging power plants and how many older plants in other nations are being replaced with newer, cleaner-emitting plants.

"I don't know why we aren't wanting to go there," said Gooch.

Concerns with regulation of "new source" emissions, since the plant would be new, and expense are a couple reasons, said Andrews.

Realistically, Andrews said the state's energy policy should be a "mix" since many types of technology will be needed in the future, including renewable fuel like biomass. But he also said that coal—albeit cleaner coal—"has to remain our primary fuel."

The committee also received a research update from the Institute for Combustion Science and Environmental Technology (ICSET) located at Western Kentucky University before adjourning.

Judiciary, from page 2

example, prevent someone from getting to work or making an emergency trip to the hospital, he said, whether that individual is the DUI offender or a family member.

A representative of the Canadianbased Traffic Injury Research Foundation who spoke to the committee before the Department of Public Advocacy described the devices as very effective. Robyn Robertson said the devices generally reduce recidivism—or being re-arrested for DUI—at a rate of between 35 percent to 90 percent and are considered the third most cost-effective way to prevent recidivism in some cost-benefit analyses.

Committee Co-Chair Sen. Tom

Jensen, R-London, asked Robertson if states which require use of ignition interlock devices are using the devices in lieu of suspending a person's license or in addition to license suspension. Robertson said suspension is limited when devices are used, in most cases.

"It's a very short period of suspension. That's what states are moving toward," Robertson said, adding some states mandate the devices early "instead of letting (offenders) learn that they don't need a license to drive."

Other testimony received by the committee today included a report on Tennessee's GPS monitoring of sexual offenders and Public Advocacy's Social Worker Program.



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2010 Interim LEGISLATIVE RECORD

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INTERIM JOINT COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM Minutes of the 1st Meeting

Minutes of the 1st Meeting of the 2010 Interim June 17, 2010

The 1st meeting of the Interim Joint Committee on Economic Development and Tourism was held on Thursday, June 17, 2010, at 1:00 PM, in Room 154 of the Capitol Annex. Representative Eddie Ballard, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Eddie Ballard, Co-Chair; Senators Julian M. Carroll, Julie Denton, Denise Harper Angel, Ray S. Jones II, Jerry P. Rhoads, Katie Kratz Stine, Gary Tapp, Robin L. Webb, and Jack Westwood; Representatives Royce W. Adams, Linda Belcher, Kevin D. Bratcher, John "Bam" Carney, Leslie Combs, Will Coursey, Jim DeCesare, Mike Denham, Bob M. DeWeese, Myron Dossett, Kelly Flood, Jim Gooch Jr., Mike Harmon, Dennis Horlander, Dennis Keene, Thomas Kerr, Martha Jane King, Adam Koenig, Tom McKee, Terry Mills, Tim Moore, Fred Nesler, David Osborne, Don Pasley, Dottie Sims, Fitz Steele, Ron Weston, Addia Wuchner, and Jill York.

Guests: John Nicholson, Executive Director, Kentucky Horse Park and Jamie Link, Chief Executive Officer, World Games 2010 Foundation, Inc.

Legislative Guests:Senator Damon Thayer

LRC Staff: John Buckner, Committee Staff Administrator; Karen Armstrong-Cummings, Louis DiBiase, and Dawn Johnson.

2010 Alltech FEI World Equestrian Games

Speaking before the committee as one of the legislative representatives on the Governor's Advisory Commission for the World Equestrian Games, Senator Damon Thayer gave an update on statewide events occurring during the World Equestrian Games (WEG). Senator Thayer said there are many planned activities outside of the Horse Park grounds including international equine expos in downtown Lexington and Georgetown. He noted that state funds were

invested in the games indirectly by making much needed improvements to the Horse Park, the foremost equine venue in North America, and its infrastructure, allowing the park to compete with larger venues in Tulsa, Oklahoma City, Columbus, and Indianapolis. In addition, once the games are over, the legacy of the Horse Park and the improvements that were made in preparation for the WEG will benefit generations to come.

John Nicholson, Executive Director of the Kentucky Horse Park, said the reason the games were being held outside of Europe for the first time was because of the Horse Park's reputation. He said construction is complete and the park is ready to host the games. Over the last thirty months, 12 major projects have been completed. Of the \$110 million invested, approximately \$80 million were state funds, and these investments were in the park itself and not the WEG. The principle projects were the state-ofthe-art climate controlled world class equestrian arena (\$42 million), the new outdoor stadium (\$25 million), and park infrastructure upgrades. The games have already been a success in terms of legacy -- because of the park renovations, thus far approximately 20 new annual events have been booked at the park. These new events alone will soon equal the economic impact of the games. Some of the newly acquired events include the Intercollegiate National Championships for Horses, the Arabian Sport Horse National Championships, and the East Coast Reigning Championships. The outdoor stadium will host the North American Junior and Young Riders National Championships who have committed for three consecutive years, the United States Equestrian Federation Junior Hunter National Championships, and the United States Equestrian Federation National Pony Finals.

Mr. Nicholson said the Horse Park Museum is now featuring A Gift From the Desert, which is a major art and artifacts exhibit, and the exhibition will run throughout the games. This is the third historic international exhibition that has been featured at the park, the first featured

art from China, much of which had never been out of the country before, and the second featured equine related art from Great Britain. A Gift From The Desert exhibition, which is funded privately by the Saudi Arabian Equestrian Federation and other Middle East equestrian federations, celebrates the early domestication of the horse and the development of the Arabian horse. He noted that the park reaches out to other cultures to honor a shared association with the horse. With the award of the games, a group of American Arabian horse enthusiasts raised \$10 million to fund an expansion to the International Museum of the Horse at the park which opened several weeks ago. It features the Almara Arabian Galleries and a state-of-the-art, interactive experience that explores the Arabian horse.

Mr. Nicholson explained the energy saving contract performance plan the park entered into. The plan began by an audit of the park's energy usage, and from that data, capital investment recommendations were made. The park was given a low-interest loan with guaranteed energy savings results based on the recommendations. Included in the recommendations was the installation of a \$5.7 million biomass gasification plant designed to burn horse waste to turn it into a sterilized, nutrientfilled fertilization powder. The plant also produces electricity that is returned to the power grid. The park recognized an immediate savings of \$250,000 annually—the cost of horse waste removal. The park's carbon footprint was reduced as well.

Mr. Nicholson discussed the festive nature of the 2010 WEG. The Equine Village will celebrate the diversity of all horse breeds with exhibits and demonstrations featuring over 500 horses, 40 equine organizations, 150 clinicians, and a wide variety of entertainment acts that include a Dakota Sioux Indian tribe exhibit, Equimania, a children's interactive program, and demonstrations by the National Cutting Horse Association. He noted that the remains of Lexington -- a horse that was instrumental in putting Kentucky on the map in the thoroughbred industry after the Civil War -- will be moved from the Smithsonian Institution where he has stood since 1870 to the Horse Park. Lastly, Mr. Nicholson said that Elvis Presley's horse riding equipment, on loan from Graceland, will be on display throughout the games.

Mr. Jamie Link, Chief Executive Officer of the World Games 2010 Foundation, Inc. explained that with the Horse Park construction complete, the WEG preparations will begin next week with the installation of temporary seating and a temporary driving stadium. Three hundred temporary structures will be erected ranging in size from 10 square feet to 30,000 square feet. On May I, per Federation Equestrian Internationale (FEI) rules, 62 countries submitted "entries of intent" to send participants. By comparison, the 2006 WEG held in Aachen, Germany games had 59 countries to compete. August 16th is the deadline to submit definite entries. To date, over 900 horses and approximately 1,000 athletes will compete in the 2010 games. This number may decrease but a strong showing is anticipated.

The foundation is working closely with the Horse Park to ensure the games will benefit the park's ongoing operations. Throughout June, approximately 500 of the 2,000 Kentucky volunteers are being trained per week. With a full-time staff of 45 people, the foundation needs 7,000 volunteers for the 16day event. Many of the volunteers are from other countries and they are paying for their own travel and accommodations. Volunteers can bring their families on days when they are not working and enjoy the events as spectators. Meals and uniforms will be provided.

The foundation has entered into its final marketing phase. The first two phases focused primarily on national and international markets that may require more time to make travel arrangements. The third phase will be more locally and regionally focused as the strongest market is in Kentucky and contiguous states. Marketing will directed toward regional centers such as Indianapolis and Nashville. Since hotel accommodations are a great concern, the foundation has worked with the industry to promote hotels throughout the state.

Mr. Link said ticket sales are strong but not as strong as they would like—most likely due to the economic downturn and many people who are waiting to make purchasing decisions. Empirical data suggests more

people plan to attend but have yet to purchase tickets. According to travel representatives the European market is currently involved in the World Cup and will focus on the equestrian games once that is over. Since the WEGs have never taken place in the United States, the foundation has had to build from the ground up. He noted that the projected \$150 million economic impact given by Dr. Paul Coomes of the University of Louisville has been revised to \$167 million. He said events like the games draw corporate attention to the state for future economic endeavors.

Chairman Ballard asked that LRC staff be given periodical updates to forward to the committee members for publicity purposes. Mr. Link agreed and noted that the foundation has been working with Senator Thayer and Representative Westrom, the games' legislative liaisons to the General Assembly as well.

Senator Thayer explained the main events of the world equestrian games. He noted that a grounds pass ticket is available that will give access the park without having to attend a specific event. Mr. Link added that the Tourism Cabinet will host "The Kentucky Experience," a representation of the nine tourism districts in the state as well as a pavilion that will offer Kentucky products including Kentucky Proud produce, bourbon, and arts and crafts. A third pavilion will house Kentucky entertainment.

Senator Webb expressed concern about negative press on the equine industry that has circulated recently.

Responding to questions from Representatives Denham, Mr. Link said anyone interested in volunteering for the games should visit the WEG website. In addition, through a group effort between the University of Kentucky, the United States Department of Agriculture (USDA) and the equine industry, a quarantine facility has been set up to monitor all horses coming to the park. Only competition horses that have been tested for equine pyroplasmosis will be

allowed onto the grounds. Competition horses will be flown into the Northern Kentucky/Cincinnati Airport and will be quarantined for the requisite 42 hours. Also, measures have been taken to eradicate the tick population on park grounds. Mr. Nicholson added that the University of Kentucky's Gluck Center did an exhaustive white paper on any

potential threat. The resulting protocol being used was designed by the American Horse Council, the Health and Welfare Committee, the state veterinarian and the USDA.

Mr. Nicholson pointed out that the games will be broadcast to over 500 million people worldwide.

In response to Senator Harper Angel's question, Mr. Link said that the Kentucky State Police are responsible for security at the park and they in turn are working with Lexington Metro Police, Scott County law enforcement, Louisville Metro Police as well as the Alcohol, Tobacco, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Federal Bureau of Investigation, the Office of Homeland Security, and the United States Secret Service regarding all aspects of the games as this is an international event which will be attended by heads of state and royal families.

There being no further business, the meeting adjourned at 2:35 PM.

SPECIAL SUBCOMMITTEE ON ENERGY

Minutes of the 1st Meeting of the 2010 Interim
June 18, 2010

Call to Order and Roll Call
The 1st meeting of the Special
Subcommittee on Energy was held
on Friday, June 18, 2010, at 12:00
PM, in Room 131 of the Capitol An-

PM, in Room 131 of the Capitol Annex. Representative Keith Hall, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Keith Hall, Co-Chair; Senators Ray S. Jones II, Bob Leeper, Dorsey Ridley, John Schickel, Katie Kratz Stine, and Gary Tapp; Representatives Royce W. Adams, Rocky Adkins, Eddie Ballard, Dwight D. Butler, Leslie Combs, Tim Couch, Will Coursey, Jim Gooch Jr., Thomas Kerr, Martha Jane King, Harry Moberly Jr., Lonnie Napier, Fred Nesler, Tanya Pullin, Tom Riner, Fitz Steele, and Brent Yonts.

Guests: Virginia Carrington, Branch Manager; Todd Trapp, Section Supervisor; and Sharon Vinyard, Policy Analyst, Cabinet for Health and Family Services, Department of Community Based Services, Division of Family Support; Rob Jones, Executive Director and Dan McKenzie, Energy Programs Director, Community Action Kentucky; Matt Partymiller, Solar Energy Solutions; Scott Sykes, Genesis Development, and Susan Carson Lambert, representing Jim Fugitte, Wind Energy Corporation.

LRC Staff: D. Todd Littlefield.

CSA, Taylor Moore, and Susan Spoonamore, Committee Assistant.

Low Income Home Energy Assistance Program (LIHEAP) Block Grant Application for SFY 2001

Virginia Carrington, Branch Manager, Todd Trapp, Section Supervisor, and Sharon Vinyard, Policy Analyst, Cabinet for Health and Family Services, Department of Community Based Services, Division of Family Support, explained the requirements and components of the LIHEAP funds specified in the application.

In response to a question from Rep. Adams, Ms. Carrington said that money could be added to the subsidy for delivery of fuel.

In response to a question from Rep. Adkins, Ms. Carrington explained that weatherization is a separate program.

Upon motion of Rep. Couch and seconded by Rep. Will Coursey the LIHEAP Block Grant Application Findings of Fact, were adopted, without objection, upon voice vote.

The LIHEAP Block Grant Application Findings of Fact are as follows:

(I)LIHEAP funds specified in the application have been included in an appropriation provision or a branch budget bill enacted by the General Assembly in anticipation of such application;

(2)Any excess in the total amount of LIHEAP funds sought over the total amount of such funds anticipated and included in an appropriation provision or a branch budget bill has been included in a surplus expenditure plan approved by the General Assembly;

(3)A budget reduction plan specifying programs and services to be eliminated or to be reduced in scope if federal funding diminishes or is cut has been included;

(4)The budget reduction plan does not propose to increase the ratio of state funds to federal funds if federal funding diminishes or is cut;

(5)LIHEAP funds to be provided under the application are fairly and equitably distributed among those programs, services, or recipients eligible for block grant funding;

(6)LIHEAP funds to be provided under the application are not to be used to fund programs or services that would duplicate or supplant existing programs or services funded by the private sector;

(7)The intended uses of LIHEAP funds specified in the application are in compliance with applicable federal and state laws pertaining to such block grant funds; and

(8)The amount of LIHEAP funds to be retained by the state administering agency for administrative purposes does not exceed an amount allowable under federal law.

Wind and Solar Credits and Incentives: A good deal gets better:

Mr. Matthew Partymiller, Manager, Solar Energy Solutions, LLC, discussed federal solar incentives stating that a 30% commercial tax credit could be taken as a grant through December, 2010. There is also a 30% installation cost tax credit for residential. Kentucky incentives include a 30% commercial tax credit or \$3/watt for solar electric, capped at \$1,000, and a 30% residential tax credit or \$3/watt for solar electric, capped at \$500.

TVA offers "Generation Partners" program with an initial grant of \$1,000. All energy produced by a rate payer (kWh) is purchased by the utility at retail rate plus \$0.12/kWh which means that a TVA customer could produce 40% of their energy via solar electric and have a \$0 energy charge. TVA would claim ownership rights to all of the Solar Renewable Energy Credits (SREC).

In Kentucky, all non-TVA solar producers are eligible to produce and dispose of Solar Renewable Energy Credits as they see fit. Mr. Partymiller explained that outside companies known as aggregators have been purchasing Kentucky's SRECs in five year contracts. They have also purchased rights to a ten year stream of SRECs for \$1,000/kW installed. He said that much of Kentucky's solar production is being sold into Ohio meaning that Kentucky will be at a severe disadvantage in event of a Federal Renewable Portfolio Standard (RPS).

Mr. Partymiller stated that Ohio is seeing significant growth in solar due to incentives similar to Kentucky, but with larger caps (\$25,000 for residential and \$150,000 for commercial). Tennessee offers up to \$200,000 for solar projects, and Indiana's grants are similar to Tennessee. West Virginia's grants are also similar to Kentucky except with a larger cap of \$2,000.

In conclusion, Mr. Partymiller stated that in order to spur growth of the renewable market, Kentucky must increase the incentives. In addition to increasing the incentives, it must be coupled with consumer education and remain tied to reputable certification of vendors and installers.

In response to a question from

Rep. Hall, Mr. Partymiller stated that Ohio's average kWh cost is between 10 and 12 cents versus 8 cents for Kentucky.

In response to a question from Rep. Adkins, Mr. Partymiller stated that Kentucky does need to look at its incentives for solar.

In response to a question from Rep. Gooch, Mr. Partymiller stated that KCTCS has shown an interest in training programs for qualified installers.

Mr. Scott C. Sykes, President, Genesis Development of Kentucky, LLC, gave an overview and the implications for Kentucky regarding Federal incentives for wind. Wind energy plays a vital role in the world's energy markets, with the 2008 market for turbine installations worth approximately \$30 billion. Over 400,000 people are now employed globally, and that number is expected to be in the millions in the future. Wind industry jobs jumped to 85,000 in 2008, which is a 70% increase from the previous year. In contrast, the coal industry employs approximately 81,000 workers. Wind energy is the only power generation technology that can deliver the necessary cuts in CO2 in the period leading up to 2020.

Mr. Sykes said that the Energy Information Administration predicts that wind, solar, and other green energy sources will be the most rapidly expanding sector, contributing approximately 10% to global supplies.

The United States government has worked to place the U.S. as a global leader in installed wind capacity. Some programs have expired, but the United States is still poised to continue the development of renewable energy projects that will have a definite impact on the local economies where they are located.

In conclusion, Mr. Sykes stated that Kentucky needs to take full advantage of the federal programs in order to diversify the state's energy portfolio and develop a new industry in the underserved, economically disadvantaged areas of rural Kentucky.

In response to a question from Rep. Gooch, Mr. Sykes stated that the pro-coal movement in rural Eastern Kentucky hinders the ability to collect much needed wind data from the ridgelines. He estimated that 135 sites had been identified for such projects, but only 5 would work really well

Some members agreed that all forms of energy would be needed in the future, and Kentucky has worked

hard to be aggressive in pursuing all sources of energy.

Ms. Susan Carson Lambert, Geographer, GISP Earthworks, on behalf of Jim Fugitte, Wind Energy Corporation, briefly discussed onsite renewable energy for commercial customers. Ms. Lambert stated that the on-site commercial wind energy is a \$70 billion dollar market. She explained that Kentucky should make investment incentives for onsite wind and solar competitive with other states. Kentucky should also support the establishment of renewable energy companies in Kentucky to bring jobs and technology to the

Army Corps of Engineers' decision to suspend Nationwide Permit 21 in the Appalachian Region

Ms. Sarah Davasher, Strategic Communication, US Army Corps of Engineers, Louisville District, explained that the Nationwide Permit 21 (NWP 21) was suspended on June 17, 2010, in the Appalachian region of six states, including Kentucky. She said that this would not affect the existing NWP 21 permitting processes. The current and pending permit applications will be converted to individual permits. This is not an attack on coal, but it means that the application process will be done differently. The Louisville District only has 3 pending applications and none of the 3 were completed applications. The 3 applications will be converted to individual permits and they will be re-prioritized in the already existing individual permits so there will not be a delay in the processing of those applications.

In response to questions by Rep. Hall, Ms. Davasher stated that the Louisville District had 3 applications and those were from Perry, Pike and Johnson Counties. She said that individual permits would require public scrutiny, but she was not sure how long the public comment period lasted. Ms. Davasher said she would obtain that information. She said that modifications cannot be made to an existing NWP 21 permit/application without going through an individual permit process.

In response to a question by Representative Steele, Ms. Davasher stated that Appalachia was targeted because of specific concerns related to valley fills and headwater streams.

Representative Gooch stated that Army Corps of Engineers used to be highly thought of as experts, not political.

Representative Adkins stated that the biggest issue in the permitting process is consistency, which is not happening. Even though NWP is a nationwide permit process, it appears that this suspension is only affecting the Appalachia region and is targeting the mining industry.

Representative Combs agreed that consistency is a problem throughout. She also encouraged real findings not from public comments.

The meeting adjourned at 2:00 p.m.

INTERIM JOINT COMMITTEE ON HEALTH AND WELFARE Minutes of the 1st Meeting

Minutes of the 1st Meeting of the 2010 Interim June 16, 2010

The first meeting of the Interim Joint Committee on Health and Welfare was held on Wednesday, June 16, 2010, at 1:00 p.m., in Room 129 of the Capitol Annex. Representative Tom Burch, Co-Chair, called the meeting to order at 1:10 p.m., and the secretary called the roll.

Present were:

Members: Senator Julie Denton, Co-Chair; Representative Tom Burch, Co-Chair; Senators Tom Buford, Julian M. Carroll, Perry B. Clark, Denise Harper Angel, Alice Forgy Kerr, Joey Pendleton, Katie Kratz Stine, and Jack Westwood; Representatives Bob M. DeWeese, Jim Glenn, Brent Housman, Tim Moore, Ruth Ann Palumbo, Susan Westrom, and Addia Wuchner.

Guests: Robin Karr; Joy Johnson Wilson, Health Policy Director, Federal Affairs Counsel, National Conference of State Legislatures, Washington, D.C.; Janie Miller, Secretary, Cabinet for Health and Family Services; Nathan Goldman, Kentucky Board of Nursing; Eric T. Clark, Kentucky Association of Health Care Facilities; Bill Doll and Marty White, Kentucky Medical Association; Sheila Schuster, Kentucky Mental Health Coalition; and Ellen Kershaw.

LRC Staff: DeeAnn Mansfield, CSA, Miriam Fordham, Ben Payne, Jonathan Smith, Gina Rigsby, and Cindy Smith.

Consideration of Referred Administrative Regulations

A motion to approve the referred administrative regulations, 201 KAR 20:240 – establishes fees for licensure, registration, examination, renewal, reinstatement, and continuing education required by the Board of Nursing, and 201 KAR 20:490

 establishes the scope of practice for administering medicine or treatment by a licensed practical nurse as it relates to intravenous therapy was made by Senator Pendleton, seconded by Senator Clark, and adopted by voice vote.

Hysterectomy Alternatives and After Effects

Robin Karr stated that changes need to be made to the informed consent laws pertaining to hysterectomy that will truly inform and educate women in regard to the functions of the female sex organs throughout their lives and the consequences of them being removed. By the age of 60, approximately one-third of all American women have had a hysterectomy. In the South, women are 50 percent more likely to have a hysterectomy than in any other part of the country. Hysterectomy is the number one unnecessary surgery being performed in America today. According to Ms. Karr, the surgery generates billions of dollars for gynecologists and drug companies, but the devastation to women, society, and the health care system is beyond measure. Today, it is estimated that less than one percent of hysterectomies are performed for gynecological cancers. Several published articles state that a hysterectomy, especially ovary removal, can cause heart disease, bone loss, dementia, Parkinson's disease, and memory loss. She suggested that a video be presented to every woman who has been told she needs a hysterectomy that would contain the information needed to make an informed decision about hysterectomy and its consequences and the available alternatives. Information provided by Ms. Karr is included in the meeting folder in the LRC Library.

Senator Carroll made a motion, seconded by Representative Glenn, and approved by voice vote that the information provided by Ms. Karr be forwarded to the Department for Public Health, Cabinet for Health and Family Services, for its response and requested information be sent to the committee about Kentucky's informed consent laws as they relate to hysterectomy procedures.

Health Care Reform

Joy Johnson Wilson, Health Policy Director, Federal Affairs Counsel, National Conference of State Legislatures, Washington, D.C., reported that the Patient Protection and Affordable Care Act, P.L. 111-148, was signed into law on March 23, 2010. The Health Care and Education Reconciliation Act of 2010, P.L. 111-

152, was signed into law on March 31, 2010 and amended some of the provisions of P.L. 111-148. The bills are now referred to as The Affordable Care Act. Because the reconciliation process was used, many technical and perfecting amendments were not in order. The legislation maintains an employer-based health care system; expands and modifies Medicaid to become the foundation for the reformed health care system; requires individuals to obtain qualified coverage; establishes subsidies for premiums and cost-sharing for individuals with incomes between 133 percent and 400 percent of the federal poverty level (FPL); and initially establishes health care exchanges to help individuals and small businesses to purchase qualified coverage.

The law fundamentally changes the state's role in Medicaid by changing the status of Medicaid in relation to the rest of the health care system in the United States. Ongoing state budget issues as related to Medicaid include underfunding of the underlying program; failure to address coverage for undocumented immigrants; failure to include a statutory countercyclical trigger; implications of a reduction in federal assistance in the future: and no serious effort to address long-term care. The law also gives states more flexibility and the transformation of the Medicaid program is left largely to state governments. The challenges will be new eligibles versus others; systems upgrades; staffing; workforce and infrastructure; infrastructure improvements; marketing of the new Medicaid; maintaining public support; and improving quality. The Medicaid expansion establishes a national minimum eligibility level at 133 percent of the FPL with eligibility to be based on income and adds new mandatory categories of Medicaid-eligibles such as single, childless adults who are not disabled, parents, and former foster care children who have aged out of the system. One option for states is to begin expansion for certain non-elderly individuals with incomes up to 133 percent of the FPL effective April 1, 2010. Coverage would be reimbursed at the state's regular Medicaid Federal Medical Assistance Program (FMAP) rate. An enhanced FMAP for new eligibles will be implemented between 2014 and 2020. Medicaid expansion features include temporary maintenance of effort and eligibility, the option of state financial hardship exemption from maintenance of effort, and Medicare rates for Medicaid primary care physicians for 2013 and 2014

New Medicaid mandates are to phase in Medicaid rates for primary care providers for 2013 and 2014 only, coverage of preventive services with no cost-sharing, reimbursement of Medicaid services provided by school-based health clinics, quality measures for adult beneficiaries, non-payment for certain health care acquired conditions that mirrors the Medicare provision, state use of National Correct Coding Initiative, coverage of comprehensive tobacco cessation services for pregnant women, and background checks for direct patient access employees of longterm care facilities and providers. The Centers for Medicare and Medicaid Services (CMS) announced the availability of \$160 million in Affordable Care Act grants to support all states and the U.S. territories for a multiyear Nationwide Program for National and State Background checks on direct patient access employees of long-term care facilities and providers. Demonstration projects available include evaluation of integrated care around a hospitalization, Medicaid global payments, Pediatric Accountable Care Organization (ACD), and Medicaid emergency psychiatric

Additional provisions under the Affordable Care Act include new prevention and wellness programs; prescription drug rebates; long-term care programs; establishment of a federal Coordinated Health Care Office with the CMS for dual eligibles; and a reduction in Disproportionate Share Hospital (DSH) payments. Employer responsibilities include penalties for failure to provide coverage and large employers with waiting periods. Beginning in 2014, individuals are required to maintain minimum essential coverage. Exceptions to the individual responsibility requirement to maintain minimum essential coverage are made for religious objections, illegal immigrants, and incarcerated individuals. Health insurance reforms that will be implemented now are temporary high-risk pools and new rules on minimum medical loss ratios. Effective for plan years beginning on or after September 23, 2010, there will be a prohibition on rescissions except for fraud; extension of dependent coverage for young adults until their twenty-sixth birthday; limits on pre-existing condition exclusions for children; limits on lifetime and or annual caps; and reinsurance for early retirees that apply to state and local government plans. Health insurance reforms that will be implemented later are a prohibition on pre-existing condition exclusions; guaranteed issue and guaranteed renewal; premium rating rules; non-discrimination in benefits; mental health and substance abuse services parity; prohibition on discrimination based on health status; and a prohibition on annual and lifetime caps.

States have a number of grant opportunities under the health care reform law including grants to create and strengthen insurance rate review processes. Funding is provided to states, tribes, and territories to develop and implement one or more evidence-based maternal, infant, and early childhood visitation models. The law also creates a new national long-term care insurance program called Community Living Assistance Supports and Services (CLASS). Copies of the presentation and handouts are included in the meeting folder in the LRC Library.

In response to a question from Senator Denton, Ms. Wilson stated that states still have flexibility except for the new mandates.

In response to a question from Representative Burch, Ms. Wilson said that parity is still a requirement for mental health and substance abuse services. At some point, coverage cannot be denied for any preexisting condition.

In response to questions from Senator Stine, Ms. Wilson stated that a medical home is a state option, and one of the new mandates is the reimbursement of Medicaid services provided by school-based health clinics. Illegal aliens will be exempt from the health insurance coverage mandate. Child support would not be figured into an individual's income but will be determined by the modified adjusted gross income as defined by the Internal Revenue Service (IRS).

In response to questions by Senator Denton, Ms. Wilson stated that the coverage of comprehensive to-bacco cessation services for pregnant women is a new, unfunded mandate. Federal law requires that anyone who needs treatment in the emergency room will be stabilized even if are unable to pay for services.

In response to questions from Senators Denton and Carroll, Ms. Wilson stated that the DSH payments to states will be reduced using the DSH Health Reform Methodology, but one percentage point would be added to the regular FMAP for coverage of pre-

ventive services. An incentive grant is available that would give a state the flexibility to choose and fund the prevention of chronic diseases and promote healthy lifestyles.

In response to questions from Senator Westwood, Ms. Wilson stated that financial penalties by the IRS will be imposed on individuals who do not get coverage. No federal dollars can be used for abortions, but an individual can purchase a separate rider to cover the procedure.

Janie Miller, Secretary, Cabinet for Health and Family Services, stated the cabinet is collaborating with interested parties to develop a strategic plan to implement the federal mandates. There needs to be a coordinated strategic approach that would streamline opportunities and cost efficiencies to make sure that the best evidence-based choices are made for Kentucky. The challenges include a shortage of primary care providers to meet the demand; how to structure payment for services; limited federal funding; and the impact on the current budget. States need more details from the federal government concerning eligibility and regulation of rates. The cabinet will look at all available options and decide which would be beneficial and cost effective to implement. The legislation has more unfunded mandates. Basic information will be provided on the cabinet's web site concerning the timelines and submission of the letters of intent to the federal government.

In response to questions from Representative Westrom, Secretary Miller stated the cabinet will work with the General Assembly concerning physician extenders providing care in order to reduce expenditures and costs.

In response to comments made by Senator Clark, Secretary Miller stated the cabinet would need to have funds available to match the federal government allocation.

Written information about the Patient Protection and Affordable Care Act provisions was provided to the committee from Sharon Clark, Commissioner of the Kentucky Department of Insurance. A copy of the information is included in the meeting folder in the LRC Library.

There being no further business, the meeting was adjourned at 4:01 p.m.

INTERIM JOINT COMMITTEE ON LOCAL GOVERNMENT

Minutes of the 1st Meeting of the 2010 Interim June 23, 2010

Call to Order and Roll Call

The first meeting of the Interim Joint Committee on Local Government was held on Wednesday, June 23, 2010, at 10:00 AM, in Room 171 of the Capitol Annex. Representative Steve Riggs, Chair, called the meeting to order, and the secretary called the roll

Present were:

Members: Senator Damon Thayer, Co-Chair; Representative Steve Riggs, Co-Chair; Senators Walter Blevins Jr., Julian M. Carroll, Ernie Harris, Jimmy Higdon, Mike Reynolds, Elizabeth Tori, Johnny Ray Turner, and Robin L. Webb; Representatives Mike Denham, Derrick Graham, Richard Henderson, Charlie Hoffman, Brent Housman, Dennis Keene, Stan Lee, David Osborne, Arnold Simpson, Ken Upchurch, and Jim Wayne.

Guests: Senator Dan Seum; Representative Larry Clark; Representative Linda Belcher; Dawn Bellis, General Counsel, Tim House, Director, Division of Plumbing, Department of Housing, Buildings, and Construction; Bud Schardein, Executive Director, Mark Johnson, Chief Engineer, Brian Bingham, Regulatory Service Director, Metropolitan Sewer District; Hon. Hal Heiner, Louisville Metro Council (District 19); Bob Marrett and Chuck Kavanaugh, Developers to Create Jobs in the Louisville Metro District; Russell Salsman, Chief of Staff, Lynsey Womack, General Counsel, and Amy Barnes, Branch Manager of Coal Severance Department, Department for Local Government; and Holly Spade, Cabinet for Economic Development.

LRC Staff: Mark Mitchell, Joe Pinczewski-Lee, John Ryan, Kris Shera, Bryanna Carroll, Alicia Miller, Scott Jones, Rita Ratliff, Matt Niehaus, Stephanie Aschmann Spires and Ashlee McDonald.

Consideration of Referred Administrative Regulation

The committee considered referred Administrative Regulation 815 KAR 20:191 - establishes minimum plumbing fixture requirements for Kentucky buildings. Dawn Bellis, General Counsel, Department of Housing, Buildings and Construction (HBC), and Tim House, Director, Division of Plumbing, HBC, explained the regulation.

Mr. House stated that there were

two reasons behind the changes to the administrative regulation. The first was due to the fact the Cabinet for Health and Family Services (CHFS) adopted the Food and Drug Administration code this past year that was effective May 1. Changes within that FDA code conflicted with the Plumbing Code. Mr. House stated that the Division of Plumbing had met with CHFS and the code committee to make the necessary changes so that the FDA and Plumbing Code did not conflict. The other change, Mr. House continued, was necessitated by the memorandum of agreement that CFHS and the Division of Plumbing had regarding restaurants with less than 12 seat occupancy. This memorandum allowed a small establishment that served food and had indoor seating; to also allow customers to use the half bathroom that was also used by employees. At the beginning of last year, CFHS had withdrawn from that memorandum of agreement which required any facility, new or existing, that was closed for 30 days before re-opening, to have an additional bathroom for men and women. The Division of Plumbing met with the Code Committee to discuss a change that would allow a facility that met the exceptions or criteria to have one unisex bathroom, if the establishment held less than 15 occupants. The area that this will affect the most Mr. House noted, would be the historical properties that are being turned into bakeries, or coffee houses, with seating.

Representative Riggs, in correcting a typo, made a motion to insert the word "not" before the word "locate" on page 12, item G, in the phrase "occupied mobile food units located within an existing permitted food establishment shall". The motion was seconded by Senator Carroll and adopted by voice vote.

In response to a question from Senator Higdon about one restroom for establishments with less than 15 person occupancy, Mr. House said the primary difference between 15 person occupancy and 12 person occupancy is that the original memorandum counted the number of seats. Now, the occupant load is determined by the square footage of the establishment rather than the actual number of seats.

In response to a question from Representative Lee about changes and "grandfathering" being taken into account for the existing businesses, Mr. House said that within the changes, existing installations are given options so that existing business would not have to change the plumbing to meet the FDA code. Mr. House stated that CFHS took no issues with the changes.

In response to a question by Representative Lee, Mr. House stated that the language within CFHS's regulation gives the local health department the ability to determine if an upgrade in plumbing is needed when a business re-opens after a 30 or more day closure.

In response to a question from Representative Lee about any type of analysis that has been done to show the difference in the code that the state has been using versus the new proposed FDA code, Mr. House said he was not aware of any.

In response to a question from Representative Denham, Mr. House stated that the new regulation would not affect the existing stores.

In response to a question from Representative Henderson about changes initiated at the determination of the local health departments, Mr. House said he was correct.

In response to a question from Representative Henderson about a certain set of guidelines or parameters that the local health departments follow, Mr. House said that since each department was responsible for their own inspections, he could not answer that.

In response to a question from Representative Henderson about what would happen to the small local business that may not have a tenant for several months, Mr. House clarified that if a building is vacant for 30 days, whether there is being work done or not, the building must be brought up to code. Ms. Bellis added that they have received several compliments and recommendations regarding the new regulations.

Senator Tori stated that she had great concern with the new regulations and the governments' input into the regulations.

Senator Higdon noted that the regulation just allowed certain businesses to keep operating with just one restroom.

Mr. House stated that the biggest issues on which they received complaints were relating to the historical buildings. To meet the codes there would have to be separate male and female restroom facilities. However, with the agreement for the I-I5 person limits, they may only need one unisex restroom.

Representative Riggs stated that the committee will compile a list of concerns and findings and report them to Legislative Research Commission.

2010 HB 221: Regional Wastewater Initiative

Senator Thayer explained that he did not bring House Bill 221 up before the Senate State and Local Government Committee in the 2010 Regular Session because he still had several questions and concerns. A large amount of his district is Sanitation District I (SD I). He noted that SD I was a regional approach to wastewater and rainwater. In relaying his experiences with SD 1, Senator Thayer stated that SD I is faced with a "Rain Tax". This tax is applied to property owners, where they are charged a fee for their impervious surfaces. For example, they are charged a fee for the size of their roof, or the size of their blacktop driveway. SD I was not responsive to rate payer's legitimate question concerning fees for non-service. He also noted that SD I has increased fees 15% each year for 2 years. He said his concern was that these fees were put in place by an appointed, unelected board and then approved by the county judges/ executive and not the fiscal court. Senator Thayer added that attempts should be made to get more public input in setting rates.

Senator Thayer stated that he would like a brief explanation of the bill since the Senate members have not heard this bill yet.

Representative Linda Belcher, sponsor of HB 221, explained that she has worked on this bill with various group for several years to finetune the language of the bill. She added that HB 221 was an effort for Kentucky Communities to preserve and protect water quality as well as to share the capital and operating costs of the facilities.

Representative Clark noted that he started to work on this bill 6 years ago with Representative Larry Belcher. He thanked Louisville Metro Council person Stuart Benson for his efforts regarding this bill. Representative Clark also thanked other groups that supported the effort.

Representative Clark explained that there is Federal money available for regional approaches. He further noted that the regional commission sets the rate for their treatment, but the local governments will set the rate for the operation of the plants to include capitol construction. Rep-

resentative Clark acknowledged that the small sewer treatment plants' abilities were becoming out-moded.

Bud Schardein, Executive Director, Louisville Metropolitan Sewer District, (MSD) said MSD's participation is from a technical stand-point and that regional facilities and utilities are the future of water quality and preservation. Mr. Schardein stated that environmental and water quality begins with the preservation of the secondary streams if the goal is to preserve the main stems of water bodies. He noted that because of more stringent federal standards, putting wastewater streams with limited flow will become too expensive and that a regional approach is the answer to this problem.

In response to a question from Senator Carroll regarding Senator Thayer's concerns about non-elected persons being responsible for rate setting, Mr. Schardein noted MSD's situation. He explained that MSD's board members are appointed and are done so in a balanced way-geographically and politically. He further noted that board members can be removed if they fail to perform. Mr. Schardein said that this legislation calls for the same procedures. The primary job of the board members in this legislation would be to set the true rate of treating the wastewater, he continued, and that because this commission is not a for-profit enterprise or a taxing district, the commission members will have no other responsibilities.

Acknowledging Senator Thayer's concerns with the financial model of SD I, Mr. Schardein said the bill's model is completely different. This bill model is based upon the regional approaches used in the Allegheny County Sanitary Consortium in Pennsylvania, where all the members own the facilities. He continued to say that the present treatment capacity of several package treatment facilities in Louisville Metro is limited. Mr. Schardein stated that there are incentives on a federal level, such as receiving federal money.

In response to a question from Senator Carroll about a fee or tax that will have to be paid if one is not connected to this service, Mr. Schardein said that only members will pay.

Louisville Metro Councilman Hal Heiner noted that the MSD lost 2,000 private jobs. He discussed the relationship of the cost of treating wastewater put into limited flow streams and the currently limited ability to grow Bluegrass Commerce Park. With the sewage treatment plan, he continued, they are eligible for federal help and federal money for the regional projects. He indicated that the lowest cost solution would be to have a regional facility.

Senator Dan Seum indicated his support for HB 221, and introduced several guests. However, he expressed concern that he would be interested to know which governments will actually commit to the project.

Mr. Schardein stated that MSD has been drafting this bill for two years. He said it has received input from several counties and communities through monthly and bi-monthly meetings

In response to a question from Representative Graham about the two fastest growing counties in the project area not wanting to participate or had not yet committed, Representative Clark said that if this is built, that because of anticipated future growth pressures, the hesitant counties may end up wanting to join.

In response to a question from Representative Graham about counties opting out of the legislation/utility agreement, Mr. Schardein stated that counties could opt out once they pay their portion of the debt service.

In response to a question from Senator Thayer about HB 221 dealing with storm water, Mr. Schardein said that HB 221 only deals with the sanitary sewers.

In response to a question from Senator Higdon about a definition including storm water, Mr. Schardein clarified that the inclusion of that water waste accounts for the infiltration of storm water that occurs in every sanitary sewer.

Representative Clark added that they are trying to do everything they can to capture the federal money that is being offered while it is still available.

In response to a question from Representative Riggs, Mr. Schardein explained that the collecting lines that run along streets or serve businesses, along with the local authorities can set their rate. It is based on the exact cost of getting the flow from the main area to the treatment facility.

Representative Riggs noted that the individual customer would not be doing business with the regional commission, but that the regional commission would charge a fee for its service to the local wastewater treatment facility, which would then decide how much to charge the individual customer.

Representative Wayne commended Representatives Belcher and Clark on their work regarding HB 221. He explained that the reason he voted against the bill before was for the same concerns that Senator Thaver had mentioned. Representative Wayne stated that this bill has improved tremendously since these areas of concern were addressed and compromises were made. He mentioned several areas of improvement in the bill. Representative Wayne noted that he advocates coordination of planning and development of infrastructure. He wants a regional and local coordination of planning because he is concerned with the transportation areas.

Senator Webb noted the increasing costs of water treatment, and indicated that facility citing and accounting provisions were important to her.

Senator Webb stated that she would like to hear from the Division of Water and the Public Service Commission, either in a committee meeting or privately, so she can have a better understanding of this project.

Legislative Review of Executive Order 2010-429 relating to the Local Government Economic Development Fund

Russell Salsman, Chief of Staff, Department for Local Government, stated that this Executive Order was intended to simplify the Coal Severance Program.

In response to a question from Senator Webb about other Single County Coal Severance issues, Holly Spade, Cabinet for Economic Development, said that in 2004 when Single County was transferred over, it was decided to keep the multicounty program at Economic Development because it involved the industrial parks.

In response to a question from Representative Graham, Lynsey Womack, General Counsel, Department for Local Government, said that it was originally intended to be included in Senate Bill 231, however, it was inadvertently left out. She explained that SB 231 was the Cabinet for Economic Developments' entire reorganization bill, and the section codifying the executive order was inadvertently not included.

There was a motion by Representative Riggs, seconded by Senator

Thayer and adopted by voice vote to approve Executive order 2010-429.

Representative Riggs announced that the committee would not be meeting in July. He noted, however, that there would be a meeting in August.

There being no further business, the meeting was adjourned at 12:02 p.m.

INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT

Minutes of the 2nd Meeting of the 2010 Interim July 1, 2010

Call to Order and Roll Call

The 2nd meeting of the Interim Joint Committee on Natural Resources and Environment was held on Thursday, July 1, 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, and Gary Tapp; Representatives Hubert Collins, Tim Couch, Stan Lee, Reginald Meeks, Don Pasley, Marie Rader, Kevin Sinnette, Fitz Steele, Jim Stewart III, and Jill York.

Guests: Dr. Rodney Andrews, University of Kentucky Center for Applied Energy Research; Dr. Cathleen Webb and Dr. Yan Cao, Western Kentucky University Institute for Combustion Science and Environmental Technology; and Ms. Susan Browne, The Benthamite Company, Inc.

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

The chair stated that the committee had a quorum and asked for approval of the June minutes. After a motion and a second, the minutes were approved.

New Frontiers in Coal Research Mr. Rodney Andrews, director of the University of Kentucky's Center for Applied Energy Research (CAER), discussed current coal-related research. Current data demonstrates that coal usage will be needed in the future in order to meet national energy demand; therefore, agencies like CAER continue to work on new technologies such as low nitrogen-oxide burners, selective catalytic reduction, and supercritical high temperature steam plants.

The research is particularly important for Kentucky for three reasons. First, the state generates most of its energy from coal, roughly 92 percent. Second, Kentucky has a heavy industrial sector that is energy intensive, and lastly Kentucky has few viable renewable options except for biomass. Even with optimistic additions of renewable power, data demonstrates approximately 2 to 7 gigawatts of energy needs be met by coal.

Kentucky must focus on efficiency and allow the market to dictate efficiency. Policymakers should not create policies that artificially drive the market and artificially create winners and losers. In terms of policies however, there are options such as allowing nuclear and allowing faster replacement of older plants. These expand energy options and greater efficiencies. In response to a question about supercritical plants, Mr. Andrews stated that supercritical plants do have multiplier effects in terms of efficiencies. He furthered that new technologies will allow plants to operate at higher temperatures, but there is also the need to reduce parasitic loads on existing plants.

Then. Mr. Andrews identified several important upcoming technologies such as ultra supercritical pulverized coal plants which reduce emissions while increasing output; gasification which uses combustion to produce steam power or gasify the coal creating a syngas; underground gasification which burns coal underground and recovers syngas above ground; and a highly efficient process called chemical looping combustion which, in a circulating fluidized bed, allows for more efficient combustion in a reactor and is able to capture more contaminants. The Center for Applied Energy Research is also examining carbon capture and utilization technologies, coal to liquids, beneficial reuse of ash, and environmental improvements such as cleaner fuels. The only renewable studied at CAER is biomass.

In response to several questions regarding building new power plants, Mr. Andrews stated there are many impediments to siting new plants such as federal air regulations and the risk of regulatory uncertainty. Underground coal gasification is one option being examined in Indiana and the type of seams will have to undergo geological analysis to determine subsidence issues, but the technology is

not for all seams of coal. In response to a question on special wastes, Mr. Andrews discussed a rule regarding classifying coal ash as a hazardous waste. But, CAER does look at pumping ash products into seams for subsidence stability. The discussion at U.S. EPA will affect the ash utilization and if broadly written it may affect scrubber sludge.

In response to a question on whether the by-products from coal combustion are dangerous, Mr. Andrews remarked that science shows it is not acutely hazardous and it is even more stable when mixed into a stable product like drywall or materials for building and road stabilization. Senator Smith asked Mr. Andrews to compile a list of beneficial products from coal. In response to a question regarding use of coal combustion by products as a stabilizing material, Mr. Andrews stated that it is used extensively on roads and can also be used to line sewers and on water line beds. It is better than river sands.

Other Business

Senator Smith invited Mrs. Susan Browne, who had requested to offer testimony as a public citizen. Mrs. Browne discussed a technology to scrub sulfur from small boilers developed by a company that she had an interest in. The company is becoming noncompetitive as the economy switches to low sulfur coal from the Powder River Basin. Mrs. Brown asked the committee to resist any efforts to move away from the use of Kentucky coal towards Powder River Basin Coal.

Research Update from the Institute for Combustion Science and Environmental

Technology

Senator Smith then asked Dr. Yan Cao and Dr. Cathleen Webb from Western Kentucky University (WKU) to discuss research conducted at the Institute for Combustion Science and **Environmental Technology Combus**tion and Thermal Lab (ICSET) to present information on their coal related current research. Dr. Webb discussed the development, objectives, and organization of ICSET focusing her remarks on the thermal analysis lab. Several projects including work with polymers and detectors for biological and chemical warfare agents are part of the work done for more than 200 ICSET clients. In response to a question about the definition of nanotubes, Dr. Webb explained that is a chemical structure of carbon which has some unique properties such as strength and conductivity.

Dr. Cao discussed the combustion laboratory and the work the lab has performed to improve coal combustion and gasification technologies. In particular, Dr. Cao identified the chemical looping technology as one conceived of and engineered at ICSET. The lab has developed a cold model of the combustion process using chemical looping which is most efficient in terms of carbon capture. In response to a question regarding the proprietary ownership of the chemical looping concept, Dr. Chao stated that it was developed by researchers at WKU's ICSET lab.

Biomass derived fuel is also an important project at the lab. The fuel is derived from chicken wastes and is partially funded by a grant from the United States Department of Agriculture. The coal combustion by product is used as an additive on soils without environmental harm. In response to a question about the environmental consequences of ash by-products in soils, Dr. Chao stated that one can use an ammonia scrubber in a coal plant to create fertilizer and calcium carbonate. This can be use to sequester carbon into the soil. The effect of continued application of ash by-products in the soil is that there would be bioaccumulation of trace metals, but those trace metals are not leached from the soil. The metals are stable in the soil, and the process does not contribute to degradation of water quality.

After a motion and a second, the meeting adjourned.

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the First Meeting of the 2010 Interim July 6, 2010

The first meeting of the Interim Joint Committee on Transportation was held on Tuesday, July 6, 2010, at 1:00 PM, in Room 171 of the Capitol Annex. Senator Ernie Harris, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ernie Harris, Co-Chair; Representative Hubert Collins, Co-Chair; Senators Walter Blevins Jr., David E. Boswell, David Givens, Jimmy Higdon, Bob Leeper (by teleconference), R.J. Palmer II, John Schickel, Brandon Smith, and Gary Tapp,; Representatives John A. Arnold Jr., Eddie Ballard, Linda Belcher, Leslie Combs, Tim Couch,

Keith Hall, Richard Henderson, Melvin B. Henley, Jimmie Lee, Charles Miller, Lonnie Napier, Rick G. Nelson, Tanya Pullin, Marie Rader, Steve Riggs, Sal Santoro, Arnold Simpson, Fitz Steele, Jim Stewart III, Tommy Turner, and Alecia Webb-Edgington. Representative Fred Nesler attended the meeting as a guest.

Guests Appearing Before the Committee: Dean Johnson, Laurel County Clerk; Tony Watts, Breathitt County Clerk; Bobby Phillips, Simpson County Clerk; Judy Taylor, Fayette County Urban Government and Commerce Lexington; and Shanon Schug, Prestress Services Industries, LLC. The following individuals represented the Transportation Cabinet: Geri Grigsby, Chief of Staff; Tom Zawacki, Commissioner, and Rick Taylor, Deputy Commissioner, and Paul Mauer, Department of Vehicle Regulation.

LRC Staff: John Snyder, Dana Fugazzi, and Linda Hughes.

Continued Discussion on the Plate to Customer System

Tom Zawacki, Commissioner, Rick Taylor, Deputy Commissioner, and Paul Mauer, Department of Vehicle Regulation, Transportation Cabinet, discussed the pros and cons of the state changing its motor vehicle license format from the current plate-to-vehicle (P2V) format, where the plate remains with the vehicle upon transfer, to a plate-to-customer (P2C) format, where the plate remains with the individual who sold the vehicle, to be placed on a new vehicle he or she obtains. Kentucky is one of only 12 states that utilize the P2V format, while 38 states utilize P2C. This potential change arose with the state's conversion of its AVIS system to the more technologically advanced KAVIS system, developed by 3M. Legislation during the 2010 Regular Session (House Bill 470) would have mandated this change, however, during the latter part of the bills process to becoming law; several county clerks began to raise questions and expressed opposition to HB 470. As a result, the legislation failed to pass.

Since the KAVIS system comes programmed to the P2C format, retaining the P2V procedure would cost the state an additional \$150,000 to have 3M reprogram its system. Additionally, if the state at a later date decided to go to the P2C format, it would cost the state another half a million dollars to program the sys-

tem back to its original format.

Transportation Cabinet officials stated that every state using the P2C format stressed its convenience not only to their clerks and transportation agencies, but to its law enforcement officers and its court systems. The most significant benefit raised by the states surveyed was that the P2C format allowed parking fines and other citations to more easily follow offenders. The Cabinet also stated that the three groups that would be impacted the most by the new format (law enforcement, county clerks, and the Motor Vehicle Commission) are largely in favor of this move.

Bobby Phillips, Simpson County Clerk, representing the County Clerks Association, noted that the association voted 38-12 in favor of this change at a recent meeting. The association expressed its commitment to help craft the best legislative solution.

Dean Johnson, Laurel County Clerk, and Tony Watts, Breathitt County Clerk, stated that there needed to be a "date certain" of when the buyer must transfer the automobile into their name, something HB 470 did not stipulate. They stressed by not stipulating a date certain clause they saw the potential of state and taxpayer confusion, particularly over the determination of ownership for property tax purposes. Further they said that since the county clerks are the "front line" to the taxpayers, they envisioned their employees would be under more fire than they already are.

Another concern by the clerks was the use of temporary tags. County clerks realize a significant amount of money from these tags and they did not see how the temporary tags would play a role in the P2C format.

The Committee members noted the clerks' concerns and assured them that they would all be taken under advisement. Co-chairman Collins stated that this change was the result of the state converting to the new KAVIS system and he, nor any of the committee members wanted to see county clerks penalized in any way due to this change. He assured the clerks that legislation for the 2011 Regular Session would be drafted for the P2C format and that all possible measures would be taken to protect the clerks in this legislation.

Chairman Harris commented that he hoped all affected parties would come to an agreement prior to 2011 so as to have the legislation adopted without problems.

Rush Hour Time Restrictions on Over-Dimensional Permit Travel In Metropolitan Counties

Currently, KRS 189.270 addresses the operation of vehicles on an overdimensional permit, allowing the Transportation Cabinet to limit travel on overdimensional permits from 6:00-9:00 AM and 3:00-6:00 PM. The Transportation Cabinet has promulgated a regulation, 601 KAR 1:018 which prohibits travel on an overdimensional permit in metropolitan areas, including Fayette County, from 7:00-9:00 AM and 4:00-6:00 PM, Monday through Friday.

Prestress Services Industries LLC asked to discuss problems caused by the time restrictions on traveling through Kentucky's metropolitan counties during rush hours, especially in getting material north to Indiana and Ohio. Prestress Services specializes in the design and construction of prestressed, precast components for use in bridge, marine, floodwall and piling projects. One particular component that they transport is bride girders, which can be up to 150 feet long. Representing the company, Mr. Schug commented that since 1997 they have shipped over 12,000 of these components with no accidents occurring. He said that his company recognizes the danger in transporting these large components and has made the decision to only transport them during daylight hours, even though they would not run into any shipping problems in Kentucky if they transported them during nighttime hours, since Kentucky has no evening travel restrictions. However, by making this safety decision the company has faced extreme travel constraints which make it nearly impossible to conduct business in certain areas. Mr. Schug stated that his company lost approximately \$20 million last year and to-date this year as lost \$10 million in business due to the transporting time restrictions.

Ms. Judy Taylor, a representative for Fayette County Urban Government and Commerce Lexington, stated that she hoped that some change could be made to the regulation to allow limited travel during rush hours based on specific routes and compliance with safety regulations. She said that Prestress Services and the Transportation Cabinet are in the process of determining what could be done to assist this company. She hoped that something will be forth-

coming.

Committee members agreed that something needed to be done to assist businesses who are at a competitive disadvantage because of this regulation. Members complimented Mr. Schug on his company's decision to place safety over money and asked the Transportation Cabinet to notify the Committee if legislation was required to assist in this matter.

Potential Concerns With Implementing Legislation Enacted During the 2010 Extraordinary Session

Ms. Grisby, Chief of Staff, Transportation Cabinet stated that the Cabinet is currently not experiencing any problem due to implementing the new legislation. She stated that perhaps it was a little early to detect any such problems and that if any occur at a later date the Cabinet would notify the Committee.

Representative Henderson stated his displeasure with line item veto number 5 by Governor Beshear to the 2010-2012 Biennial Highway Construction Plan. This was for the Woodland Industrial Park Access Road in Montgomery County in the amount of \$500,000. Representative Henderson said over 500 people work in the area and stressed its need due to safety issues and asked that the Cabinet find a way to accomplish this project.

Before adjourning the meeting Chairman Harris informed the members that its next meeting would be held on August 10th, pending LRC approval, at 10:00 AM in Frankfort.

With no further business before the Committee, the meeting adjourned at 2:20 PM.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE Minutes of the June Meeting June 8, 2010

Call to Order and Roll Call

The June meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, June 8, 2010, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Elizabeth Tori, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senators Elizabeth Tori, Alice Forgy-Kerr, and Joey Pendleton and Representatives Leslie Combs, Robert Damron, and Danny Ford.

Guests: David Lawhorn, Kentucky Higher Education Assistance Authority; Becky Klusch, Donna Sims, Board of Physical Therapy; Jon

Gassett, Karen Waldrop, Catherine York, Kentucky Department of Fish and Wildlife Resources; Peter Goodman, Abby Powell, Mary Stephens, EEC: Division of Water; Aaron Keatley, EEC: Division of Compliance Assistance; Tony Hatton, Bruce Scott, EEC: Division of Waste Management; Ann D'Angelo, Rick Taylor, Transportation Cabinet; Kevin Brown, Robin Chandler, Kentucky Department of Education; Frank Dickerson, I.R. Wilhite, Kentucky Workers Compensation Funding Commission; Dawn Bellis, George Mann, Richard Moloney, Department of Housing, Buildings and Construction; Donald Bailey, Cornett Donald, Gary Williams, Rusty Chris.

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

The Administrative Regulation Review Subcommittee met on Tuesday, June 8, 2010, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

KENTUCKY HIGHER EDUCA-TION ASSISTANCE AUTHORITY: Division of Student Services: Kentucky Educational Savings Plan Trust

11 KAR 12:060. Cancellation, partial withdrawal, and payment of refund. David Lawhorn, program coordinator, represented the division.

GENERAL GOVERNMENT CABINET: Board of Physical Therapy: Board

201 KAR 22:045. Continued competency requirements and procedures. Becky Klusch, executive director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend Sections I and 2 to comply with the drafting and format requirements of KRS Chapter I3A; and (2) to revise the form incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 22:135. Fees.

In response to questions by Representative Damron, Ms. Klusch stated that the board had notified licensees by individual letters and on the board's Web site. The board needed to increase fees because last year's funds had been swept by the General Assembly. Without the fee increase, the board did not expect to have enough funds to continue to operate. The board had not received complaints from licensees regarding

the fee increase; however, licensees did have questions regarding the possibility of fees being swept again by the General Assembly.

In response to a question by Co-Chair Tori, Ms. Klusch stated that the board arrived at the need for approximately a \$30 increase in each fee by estimating the level of funds needed to cover two (2) years of operations because licenses were renewed every two (2) years.

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 TITLE and Section 2 to comply with the drafting and format requirements of KRS Chapter 13A. With one (1) objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERI-TAGE CABINET: Department of Fish and Wildlife Resources: Fish

301 KAR 1:140. Special commercial fishing permit for Kentucky and Barkley lakes. Jon Gassett, commissioner; Karen Waldrop, wildlife division director; and Catherine York, deputy general counsel, represented the department.

A motion was made and seconded to approve an amendment to Section 2 to correct a regulatory reference. Without objection, and with agreement of the agency, the amendment was approved.

Game

301 KAR 2:049. Small game and furbearer hunting and trapping on public areas.

A motion was made and seconded to approve the following amendments: (1) to amend Section 4 to: (a) except Grouse at the Green River WMA; (b) change from the third Sunday to the third Saturday in August as the ending date for the period during which a dog shall not be unleashed at the Miller-Welch Central KY WMA; and (c) prohibit a dog from being unleashed from April I until the third Saturday in August at the West KY WMA; and (2) amend Section 5 to correct a regulatory reference and minor formatting errors. Without objection, and with agreement of the agency, the amendments were approved.

Game

301 KAR 2:132. Elk depredation permits, landowner cooperator permits, and quota hunts. Jon Gassett, commissioner; Karen Waldrop, wildlife division director; and Catherine

York, deputy general counsel, represented the department. Gary R. Williams, president, United Bowhunters of Kentucky, appeared in support of this administrative regulation.

In response to a question by Representative Ford, Mr. Gassett stated that sportsmen without access to the Internet could report required information by phone, and agency staff would then enter the data into the computer system.

In response to questions by Senator Pendleton, Mr. Gassett stated that provisions regarding crossbows were removed from this administrative regulation in order to work further with stakeholders.

Mr. Williams stated that United Bow Hunters of Kentucky was concerned about both conserving resources and helping sportsmen who used bows and was pleased with the department's willingness to work with the organization to fine tune the administrative regulations in the future.

A motion was made and seconded to approve the following amendments: (1) to amend Section I to clarify various definitions and to define "spiked elk"; (2) to amend Section 3 to include the department's Web site address and additional methods of applying for quota hunts for those individuals without access to the internet; (3) to amend Section 4 to allow landowner cooperators one (I) antlerless-only permit in exchange for allowing elk hunting on their property; (4) to amend Section 5 to clarify what items may be used to take an elk and delete provisions prohibiting the carrying of certain items while hunting elk; (5) to amend Section 6 to include spiked elk in antlered hunts in October; (6) to amend Sections 1, 3 through 8, 10, and 11 to comply with the drafting and format requirements of KRS Chapter 13A; (7) to amend the STATUTORY AUTHORITY and RELATES TO paragraphs to add specificity to a statutory citation; and (8) to amend the NECESSITY, FUNCTION, AND CON-FORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220. Without objection, and with agreement of the agency, the amendments were approved.

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

401 KAR 5:045. Biochemically

degradable wastes; treatment. Peter Goodmann, assistant director, and Mary Stephens, attorney, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3 to make a technical clarification; and (2) to revise the Regulatory Impact Analysis and Tiering Statement to correct responses regarding tiering. Without objection, and with agreement of the agency, the amendments were approved.

401 KAR 5:070. Provisions of the KPDES permit.

401 KAR 5:075. Cabinet review procedures for KPDES permits.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 11, and 13 to: (1) clarify requirements; and (2) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Public Water Supply

401 KAR 8:150. Disinfection, filtration, and recycling.

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: (a) correct a citation; and (b) clarify subsection (1)(b)1. Without objection, and with agreement of the agency, the amendments were approved.

Division of Compliance Assistance: Certified Operators

401 KAR 11:030. Wastewater treatment and collection system operators; classification and qualifications. Aaron Keatley, director, represented the division.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to correct citations; and (2) to amend Section 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.

Division of Waste Management: Solid Waste Facilities

401 KAR 47:090. Solid waste permit fees. George Gilbert, engineer; Tony Hatton, director; and Bruce Scott, commissioner, represented the division. Rusty Cress, Jr. represented the Kentucky Association of Manufacturers and appeared in support of this administrative regulation.

In response to a question by Representative Ford, Mr. Scott stated that the division had last raised fees in 1990 and that those fees had covered approximately ten (10) percent of the total permit processing cost. KRS 224.10-100 authorized a fee for 100 percent of the total permit processing cost. The proposed amendment increased fees to cover approximately twenty (20) percent of the total permit processing cost. Recent General Fund cuts to the division budget of twenty-nine (29) percent necessitated the fee increase in order to continue timely processing of permit applications.

In response to a question by Senator Pendleton, Mr. Scott stated that there would be a total net increase of approximately \$300,000 annually, which would constitute a little more than the cost of living adjustment for the last twenty (20) years. The biggest impact would be on landfills and amounted to approximately eight (8) cents per person. Kentucky's landfill's tonnage rates would still be among the cheapest in the region.

Mr. Cress stated that the Kentucky Association of Manufacturers wanted permits processed in a timely fashion without overages after the fee was computed. While the fee percentage increase was significant, the fee was not onerous from a dollar standpoint. Fees were reduced somewhat in the amended after comments version of this administrative regulation, and stakeholders had not complained about the newly negotiated fee increase.

In response to a question by Representative Damron, Mr. Cress stated that the Kentucky Association of Manufacturers supported the need for the fee increase by the cabinet in order to timely process permits.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to provide cross references to the statutes and administrative regulations that establish or incorporate the application forms; and (2) to amend Section 5 to clarify when the new fees would begin. Without objection, and with agreement of the agency, the amendments were approved.

TRANSPORTATION CABINET: Department of Vehicle Regulation:

Division of Motor Carriers: Division

601 KAR 1:200. Administration of taxes imposed in KRS 138.655 through 138.7291. Ann D'Angelo, assistant general counsel, and Rick Taylor, deputy commissioner, represented the division.

In response to a question by Representative Ford, Mr. Taylor stated that this administrative regulation did not create additional revenue. The purpose was to clarify the deadline if the deadline fell on a weekend day or holiday. It also allowed cabinet flexibility regarding the filing of forms, especially if forms were sent electronically. Ms. D'Angelo stated that this administrative regulation also updated forms.

In response to a question by Co-Chair Tori, Mr. Taylor stated that this administrative regulation did not increase fuel tax fees, which was done by statute.

A motion was made and seconded to approve the following amendments: (1) to amend Section I to add definitions for terms used in the documents incorporated by reference; and (2) to amend Sections I, 3, 4, 5, 6, 7, 9, 10, 11, and 15 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

704 KAR 3:540. Uniform academic course codes. Kevin Brown, general counsel, and Robin Chandler, policy advisory, represented the office.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 4 to comply with the drafting and format requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Kentucky Workers' Compensation Funding Commission: Workers' Compensation Funding Commission

803 KAR 30:010. Special fund assessments. Frank Dickerson, general counsel, and J. R. Wilhite, executive director, represented the commission.

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

for clarity; (2) to amend Section 2 to reference KRS 342.122; (3) to amend Section 3 to reference KRS 342.1221; and (4) to amend Sections 6 through 9 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 Housing, Buildings and Construction: Division of Building Code Enforcement: Kentucky Building Code

815 KAR 7:070. The Kentucky Certified Building Inspector Program. Dawn M. Bellis, general counsel; George Mann, deputy commissioner; and Richard Moloney, commissioner, represented the division.

A motion was made and seconded to approve the following amendments: to amend Section 6 to delete: (1) "Test MI Residential Mechanical Inspector" as an ICC test module that will qualify for classification as a Building Inspector, Level II; and (2) "Test B2 Commercial Building Inspector" as an ICC test module that will qualify for classification as a Building Inspector, Level III, and replace it with "Test B3 Building Plans Examiner." Without objection, and with agreement of the agency, the amendments were approved.

Plumbing

815 KAR 20:018. State plumbing code committee budget review and responsibility.

A motion was made and seconded to approve the following amendments: to amend the NECES-SITY, FUNCTION, AND CONFORMITY paragraph and Sections I to 2 to comply with the drafting and format requirements of KRS Chapter I3A. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred to the July 13, 2010, meeting of the Subcommittee:

PERSONNEL CABINET: Personnel Cabinet, Classified

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

FINANCE AND ADMINISTRA-TION CABINET: Office of the Secretary: Purchasing

200 KAR 5:315. Suspension.

GENERAL GOVERNMENT CABI-NET: State Board of Examiners and Registration of Landscape Architects: Board

201 KAR 10:050. Fees.

EDUCATION AND WORK-FORCE 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.

Department for Libraries and Archives: Public Records Division: Archives

725 KAR 1:061. Records retention schedules; authorized schedules.

Department of Workforce Investment: Office of Vocational Rehabilitation: Administration

781 KAR 1:020. General provisions for operations of the Office of Vocational Rehabilitation.

781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Malt Beverage Equipment, Supplies and Service

804 KAR 11:030. Beer tastings. Kentucky Horse Racing Commission: Division of Licensing: Thoroughbred Racing

810 KAR 1:025 & E. Licensing thoroughbred racing.

810 KAR 1:037 & E. Licensing of racing associations.

810 KAR 1:100 & E. Frivolous appeals.

Harness Racing

811 KAR 1:037 & E. Licensing of racing associations.

811 KAR 1:230 & E. Frivolous appeals.

Quarter Horse, Appaloosa and Arabian Racing

811 KAR 2:130 & E. Frivolous appeals.

CABINET FOR HEALTH AND

FAMILY SERVICES: Office of Health Policy: Certificate of Need

900 KAR 6:020. Certificate of need application fees schedule.

Office of Inspector General: Division of Healthcare: Health Services and Facilities

902 KAR 20:400. Limited services clinics

The subcommittee adjourned at 3:05 p.m. until July 13, 2010.

Lawmakers hear about changes at state parks

by Rob Weber LRC Public Information

Lawmakers had a chance to ask about changes in the Kentucky State Parks system when Parks officials testified before the Economic Development and Tourism Committee on July 15.

Reduced worker hours, shutting resorts some days during the slow season, alcohol sales, private concessionaires, and the hiring of temporary workers were all subjects of discussion.

Facing economic pressures, tight budgets and rising costs, Gov. Steve Beshear's administration officials realized shortly after taking office in 2007 "that our much beloved park system must undergo changes to remain viable," said Marcheta Sparrow, Secretary of the Tourism, Arts and Heritage Cabinet

An in-depth study of the park system conducted by PROS Consulting helped Parks officials identify areas to cut costs and improve revenues.

Although Kentucky's Parks system isn't the biggest in the nation, "it's the most developed and complete" with 51 parks, resorts, golf courses, swimming pools, trails, marinas, beaches and campsites, said Parks Commissioner Gerry van der Meer.

Officials announced earlier this summer plans reduce the numbers of hours worked each week by most state park workers from 40 to 37.5, the same amount as most state workers. They also unveiled a plan to reduce the

days of operation at resort parks during winter months. The resorts will be open Wednesday through Sunday during the winter.

Sen. Robin Webb, D-Grayson, expressed concerns about plans to allow private companies to operate state park golf courses and some restaurants. Private concessionaires' focus on profits might make them less focused on the wellbeing of the communities around the parks, she said.

Van der Meer replied that private concessionaires would bring added expertise and purchasing power. "We are not privatizing state parks," he said. "We are simply allowing concession operations for two park services: food and golf. The park manager in the Department of Parks will still be in charge and will oversee park operations and establish standards. We have already done this successfully with marina operations at nine parks and that system is working well."

Webb also expressed concern about the added use of temporary workers for seasonal jobs. "You're going to change the face of employment for the nation's best park system and that troubles me," she said.

Rep. Adam Koenig, R-Erlanger, told Sparrow that he supports the cost-cutting efforts at state parks. "My only real complaint ... is that you probably didn't go far enough" he said.

In addition to cutting costs, state parks officials are also focused on raising revenue, most notably through a plan to allow concessionaires at parks in wet districts to seek liquor licenses.

"This means they will be able to do the same thing other restaurants and golf courses can do in the area where voters have decided to allow liquor sales." Although liquor-by-the-drink sales would be permitted in some restaurants and packaged beer sales would be allowed at golf courses, "we will not allow bars or cocktail lounges at parks," Sparrow said.

Alcohol sales themselves will help increase profits, but the main benefit of allowing them is to encourage more people to visit parks more often and for longer periods, Van der Meer said.

"A one percent increase in occupancy because a corporate group of social event wanted alcohol would be an increase of \$184,000," he said. "If you increase the math up to a ten percent increase because of alcohol, it's \$1.8 million."

Sparrow said the bottom line on the changes to state parks is that they will preserve the benefits the system provides to Kentucky. "The results are that parks will remain open, employees will have jobs, and we will retain and sustain the title of the nation's finest park system," she said.

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In Wednesday through Sunday during the winter.

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Rep. Jim
DeCesare,
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comments during
the July 15 meeting
of the Interim
Joint Committee
on Economic
Development and
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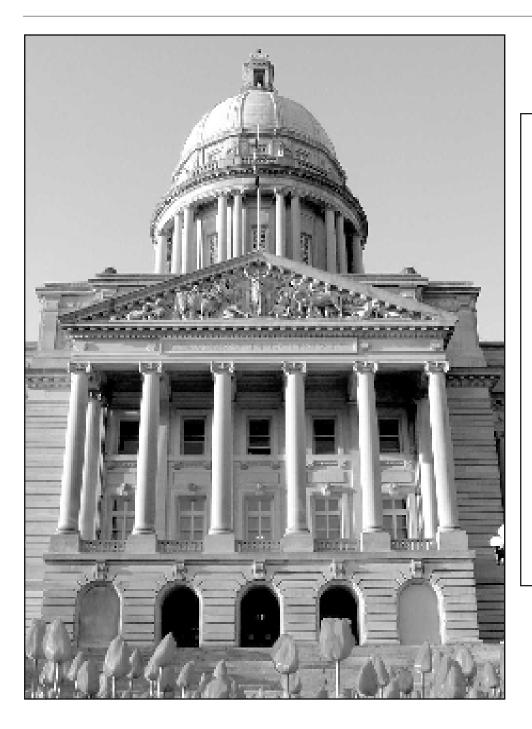
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