

1 AN ACT relating to livestock.

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

3 ➔Section 1. KRS 100.111 is amended to read as follows:

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

- 5 (1) "Administrative official" means any department, employee, or advisory, elected, or
6 appointed body which is authorized to administer any provision of the zoning
7 regulation, subdivision regulations, and, if delegated, any provision of any housing
8 or building regulation or any other land use control regulation;
- 9 (2) "Agricultural use" means the use of:
- 10 (a) A tract of at least five (5) contiguous acres for the production of agricultural
11 or horticultural crops, including but not limited to livestock, livestock
12 products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco,
13 timber, orchard fruits, vegetables, flowers, or ornamental plants, including
14 provision for dwellings for persons and their families who are engaged in the
15 agricultural use on the tract, but not including residential building
16 development for sale or lease to the public. ***For purposes of this subsection,***
17 ***"livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas,***
18 ***buffaloes, and any other animals of the bovine, ovine, porcine, caprine,***
19 ***equine, or camelid species;***
- 20 (b) Regardless of the size of the tract of land used, small farm wineries licensed
21 under KRS 243.155;
- 22 (c) A tract of at least five (5) contiguous acres used for the following activities
23 involving horses:
- 24 1. Riding lessons;
- 25 2. Rides;
- 26 3. Training;
- 27 4. Projects for educational purposes;

- 1 5. Boarding and related care; or
- 2 6. Shows, competitions, sporting events, and similar activities that are
- 3 associated with youth and amateur programs, none of which are
- 4 regulated by KRS Chapter 230, involving seventy (70) or less
- 5 participants. Shows, competitions, sporting events, and similar activities
- 6 that are associated with youth and amateur programs, none of which are
- 7 regulated by KRS Chapter 230, involving more than seventy (70)
- 8 participants shall be subject to local applicable zoning regulations; or

9 (d) A tract of land used for the following activities involving horses:

- 10 1. Riding lessons;
- 11 2. Rides;
- 12 3. Training;
- 13 4. Projects for educational purposes;
- 14 5. Boarding and related care; or
- 15 6. Shows, competitions, sporting events, and similar activities that are
- 16 associated with youth and amateur programs, none of which are
- 17 regulated by KRS Chapter 230, involving seventy (70) or less
- 18 participants. Shows, competitions, sporting events, and similar activities
- 19 that are associated with youth and amateur programs, none of which are
- 20 regulated by KRS Chapter 230, involving more than seventy (70)
- 21 participants shall be subject to local applicable zoning regulations.

22 This paragraph shall only apply to acreage that was being used for these

23 activities before July 13, 2004;

24 (3) "Board" means the board of adjustment unless the context indicates otherwise;

25 (4) "Citizen member" means any member of the planning commission or board of

26 adjustment who is not an elected or appointed official or employee of the city,

27 county, or consolidated local government;

- 1 (5) "Commission" means planning commission;
- 2 (6) "Conditional use" means a use which is essential to or would promote the public
3 health, safety, or welfare in one (1) or more zones, but which would impair the
4 integrity and character of the zone in which it is located, or in adjoining zones,
5 unless restrictions on location, size, extent, and character of performance are
6 imposed in addition to those imposed in the zoning regulation;
- 7 (7) "Conditional use permit" means legal authorization to undertake a conditional use,
8 issued by the administrative official pursuant to authorization by the board of
9 adjustment, consisting of two (2) parts:
- 10 (a) A statement of the factual determination by the board of adjustment which
11 justifies the issuance of the permit; and
- 12 (b) A statement of the specific conditions which must be met in order for the use
13 to be permitted;
- 14 (8) "Development plan" means written and graphic material for the provision of a
15 development, including any or all of the following: location and bulk of buildings
16 and other structures, intensity of use, density of development, streets, ways, parking
17 facilities, signs, drainage of surface water, access points, a plan for screening or
18 buffering, utilities, existing manmade and natural conditions, and all other
19 conditions agreed to by the applicant;
- 20 (9) "Fiscal court" means the chief body of the county with legislative power, whether it
21 is the fiscal court, county commissioners, or otherwise;
- 22 (10) "Housing or building regulation" means the Kentucky Building Code, the Kentucky
23 Plumbing Code, and any other building or structural code promulgated by the
24 Commonwealth or by its political subdivisions;
- 25 (11) "Legislative body" means the chief body of the city, consolidated local government,
26 urban-county government, charter county government, or unified local government
27 with legislative power, whether it is the board of aldermen, the general council, the

- 1 common council, the city council, the board of commissioners, or otherwise; at
2 times it also implies the county's fiscal court;
- 3 (12) "Mayor" means the chief elected official of the city, consolidated local government,
4 urban-county government, charter county government, or unified local government,
5 whether the official designation of his office is mayor or otherwise;
- 6 (13) "Nonconforming use or structure" means an activity or a building, sign, structure, or
7 a portion thereof which lawfully existed before the adoption or amendment of the
8 zoning regulation, but which does not conform to all of the regulations contained in
9 the zoning regulation which pertain to the zone in which it is located;
- 10 (14) "Planning operations" means the formulating of plans for the physical development
11 and social and economic well-being of a planning unit, and the formulating of
12 proposals for means of implementing the plans;
- 13 (15) "Planning unit" means any city, county, consolidated local government, urban-
14 county government, charter county government, or unified local government, or any
15 combination of cities, counties, or parts of counties, or parts of consolidated local
16 governments engaged in planning operations;
- 17 (16) "Plat" means the map of a subdivision;
- 18 (17) "Political subdivision" means any city, county, consolidated local government,
19 urban-county government, charter county government, or unified local government;
- 20 (18) "Several" means two (2) or more;
- 21 (19) "Public facility" means any use of land whether publicly or privately owned for
22 transportation, utilities, or communications, or for the benefit of the general public,
23 including but not limited to libraries, streets, schools, fire or police stations, county
24 buildings, municipal buildings, recreational centers including parks, and cemeteries;
- 25 (20) "Street" means any vehicular way;
- 26 (21) "Structure" means anything constructed or made, the use of which requires
27 permanent location in or on the ground or attachment to something having a

1 permanent location in or on the ground, including buildings and signs;

2 (22) "Subdivision" means the division of a parcel of land into three (3) or more lots or
3 parcels except in a county containing a city with a population equal to or greater
4 than eight thousand (8,000) based upon the most recent federal decennial census or
5 in an urban-county government or consolidated local government where a
6 subdivision means the division of a parcel of land into two (2) or more lots or
7 parcels; for the purpose, whether immediate or future, of sale, lease, or building
8 development, or if a new street is involved, any division of a parcel of land;
9 provided that a division of land for agricultural use and not involving a new street
10 shall not be deemed a subdivision. The term includes resubdivision and when
11 appropriate to the context, shall relate to the process of subdivision or to the land
12 subdivided; any division or redivision of land into parcels of less than one (1) acre
13 occurring within twelve (12) months following a division of the same land shall be
14 deemed a subdivision within the meaning of this section;

15 (23) "Unit" means planning unit; and

16 (24) "Variance" means a departure from dimensional terms of the zoning regulation
17 pertaining to the height, width, length, or location of structures, and the size of
18 yards and open spaces where such departure meets the requirements of KRS
19 100.241 to 100.247.

20 ➔Section 2. KRS 132.010 is amended to read as follows:

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

22 (1) "Department" means the Department of Revenue;

23 (2) "Taxpayer" means any person made liable by law to file a return or pay a tax;

24 (3) "Real property" includes all lands within this state and improvements thereon;

25 (4) "Personal property" includes every species and character of property, tangible and
26 intangible, other than real property;

27 (5) "Resident" means any person who has taken up a place of abode within this state

1 with the intention of continuing to abide in this state; any person who has had his
2 actual or habitual place of abode in this state for the larger portion of the twelve
3 (12) months next preceding the date as of which an assessment is due to be made
4 shall be deemed to have intended to become a resident of this state;

5 (6) "Compensating tax rate" means that rate which, rounded to the next higher one-
6 tenth of one cent (\$0.001) per one hundred dollars (\$100) of assessed value and
7 applied to the current year's assessment of the property subject to taxation by a
8 taxing district, excluding new property and personal property, produces an amount
9 of revenue approximately equal to that produced in the preceding year from real
10 property. However, in no event shall the compensating tax rate be a rate which,
11 when applied to the total current year assessment of all classes of taxable property,
12 produces an amount of revenue less than was produced in the preceding year from
13 all classes of taxable property. For purposes of this subsection, "property subject to
14 taxation" means the total fair cash value of all property subject to full local rates,
15 less the total valuation exempted from taxation by the homestead exemption
16 provision of the Constitution and the difference between the fair cash value and
17 agricultural or horticultural value of agricultural or horticultural land;

18 (7) "Net assessment growth" means the difference between:

19 (a) The total valuation of property subject to taxation by the county, city, school
20 district, or special district in the preceding year, less the total valuation
21 exempted from taxation by the homestead exemption provision of the
22 Constitution in the current year over that exempted in the preceding year, and

23 (b) The total valuation of property subject to taxation by the county, city, school
24 district, or special district for the current year;

25 (8) "New property" means the net difference in taxable value between real property
26 additions and deletions to the property tax roll for the current year. "Real property
27 additions" shall mean:

- 1 (a) Property annexed or incorporated by a municipal corporation, or any other
2 taxing jurisdiction; however, this definition shall not apply to property
3 acquired through the merger or consolidation of school districts, or the
4 transfer of property from one (1) school district to another;
- 5 (b) Property, the ownership of which has been transferred from a tax-exempt
6 entity to a nontax-exempt entity;
- 7 (c) The value of improvements to existing nonresidential property;
- 8 (d) The value of new residential improvements to property;
- 9 (e) The value of improvements to existing residential property when the
10 improvement increases the assessed value of the property by fifty percent
11 (50%) or more;
- 12 (f) Property created by the subdivision of unimproved property, provided, that
13 when such property is reclassified from farm to subdivision by the property
14 valuation administrator, the value of such property as a farm shall be a
15 deletion from that category;
- 16 (g) Property exempt from taxation, as an inducement for industrial or business
17 use, at the expiration of its tax exempt status;
- 18 (h) Property, the tax rate of which will change, according to the provisions of
19 KRS 82.085, to reflect additional urban services to be provided by the taxing
20 jurisdiction, provided, however, that such property shall be considered "real
21 property additions" only in proportion to the additional urban services to be
22 provided to the property over the urban services previously provided; and
- 23 (i) The value of improvements to real property previously under assessment
24 moratorium.
- 25 "Real property deletions" shall be limited to the value of real property removed
26 from, or reduced over the preceding year on, the property tax roll for the current
27 year;

- 1 (9) "Agricultural land" means:
- 2 (a) Any tract of land, including all income-producing improvements, of at least
- 3 ten (10) contiguous acres in area used for the production of livestock,
- 4 livestock products, poultry, poultry products and/or the growing of tobacco
- 5 and/or other crops including timber;
- 6 (b) Any tract of land, including all income-producing improvements, of at least
- 7 five (5) contiguous acres in area commercially used for aquaculture; or
- 8 (c) Any tract of land devoted to and meeting the requirements and qualifications
- 9 for payments pursuant to agriculture programs under an agreement with the
- 10 state or federal government;
- 11 (10) "Horticultural land" means any tract of land, including all income-producing
- 12 improvements, of at least five (5) contiguous acres in area commercially used for
- 13 the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables,
- 14 flowers, or ornamental plants;
- 15 (11) "Agricultural or horticultural value" means the use value of "agricultural or
- 16 horticultural land" based upon income-producing capability and comparable sales of
- 17 farmland purchased for farm purposes where the price is indicative of farm use
- 18 value, excluding sales representing purchases for farm expansion, better
- 19 accessibility, and other factors which inflate the purchase price beyond farm use
- 20 value, if any, considering the following factors as they affect a taxable unit:
- 21 (a) Relative percentages of tillable land, pasture land, and woodland;
- 22 (b) Degree of productivity of the soil;
- 23 (c) Risk of flooding;
- 24 (d) Improvements to and on the land that relate to the production of income;
- 25 (e) Row crop capability including allotted crops other than tobacco;
- 26 (f) Accessibility to all-weather roads and markets; and
- 27 (g) Factors which affect the general agricultural or horticultural economy, such

1 as: interest, price of farm products, cost of farm materials and supplies, labor,
2 or any economic factor which would affect net farm income;

3 (12) "Deferred tax" means the difference in the tax based on agricultural or horticultural
4 value and the tax based on fair cash value;

5 (13) "Homestead" means real property maintained as the permanent residence of the
6 owner with all land and improvements adjoining and contiguous thereto including
7 but not limited to lawns, drives, flower or vegetable gardens, outbuildings, and all
8 other land connected thereto;

9 (14) "Residential unit" means all or that part of real property occupied as the permanent
10 residence of the owner;

11 (15) "Special benefits" are those which are provided by public works not financed
12 through the general tax levy but through special assessments against the benefited
13 property;

14 (16) "Mobile home" means a structure, transportable in one (1) or more sections, which
15 when erected on site measures eight (8) body feet or more in width and thirty-two
16 (32) body feet or more in length, and which is built on a permanent chassis and
17 designed to be used as a dwelling, with or without a permanent foundation, when
18 connected to the required utilities, and includes the plumbing, heating, air-
19 conditioning, and electrical systems contained therein. It may be used as a place of
20 residence, business, profession, or trade by the owner, lessee, or their assigns and
21 may consist of one (1) or more units that can be attached or joined together to
22 comprise an integral unit or condominium structure;

23 (17) "Recreational vehicle" means a vehicular type unit primarily designed as temporary
24 living quarters for recreational, camping, or travel use, which either has its own
25 motive power or is mounted on or drawn by another vehicle. The basic entities are:
26 travel trailer, camping trailer, truck camper, and motor home.

27 (a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide

1 temporary living quarters for recreational, camping, or travel use, and of such
2 size or weight as not to require special highway movement permits when
3 drawn by a motorized vehicle, and with a living area of less than two hundred
4 twenty (220) square feet, excluding built-in equipment (such as wardrobes,
5 closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

6 (b) Camping trailer: A vehicular portable unit mounted on wheels and constructed
7 with collapsible partial side walls which fold for towing by another vehicle
8 and unfold at the camp site to provide temporary living quarters for
9 recreational, camping, or travel use.

10 (c) Truck camper: A portable unit constructed to provide temporary living
11 quarters for recreational, travel, or camping use, consisting of a roof, floor,
12 and sides, designed to be loaded onto and unloaded from the bed of a pick-up
13 truck.

14 (d) Motor home: A vehicular unit designed to provide temporary living quarters
15 for recreational, camping, or travel use built on or permanently attached to a
16 self-propelled motor vehicle chassis or on a chassis cab or van which is an
17 integral part of the completed vehicle;

18 (18) "Hazardous substances" shall have the meaning provided in KRS 224.1-400;

19 (19) "Pollutant or contaminant" shall have the meaning provided in KRS 224.1-400;

20 (20) "Release" shall have the meaning as provided in either or both KRS 224.1-400 and
21 KRS 224.60-115;

22 (21) "Qualifying voluntary environmental remediation property" means real property
23 subject to the provisions of KRS 224.1-400 and 224.1-405, or 224.60-135 where the
24 Energy and Environment Cabinet has made a determination that:

25 (a) All releases of hazardous substances, pollutants, contaminants, petroleum, or
26 petroleum products at the property occurred prior to the property owner's
27 acquisition of the property;

- 1 (b) The property owner has made all appropriate inquiry into previous ownership
2 and uses of the property in accordance with generally accepted practices prior
3 to the acquisition of the property;
- 4 (c) The property owner or a responsible party has provided all legally required
5 notices with respect to hazardous substances, pollutants, contaminants,
6 petroleum, or petroleum products found at the property;
- 7 (d) The property owner is in compliance with all land use restrictions and does
8 not impede the effectiveness or integrity of any institutional control;
- 9 (e) The property owner complied with any information request or administrative
10 subpoena under KRS Chapter 224; and
- 11 (f) The property owner is not affiliated with any person who is potentially liable
12 for the release of hazardous substances, pollutants, contaminants, petroleum,
13 or petroleum products on the property pursuant to KRS 224.1-400, 224.1-405,
14 or 224.60-135, through:
- 15 1. Direct or indirect familial relationship;
 - 16 2. Any contractual, corporate, or financial relationship, excluding
17 relationships created by instruments conveying or financing title or by
18 contracts for sale of goods or services; or
 - 19 3. Reorganization of a business entity that was potentially liable;
- 20 (22) "Intangible personal property" means stocks, mutual funds, money market funds,
21 bonds, loans, notes, mortgages, accounts receivable, land contracts, cash, credits,
22 patents, trademarks, copyrights, tobacco base, allotments, annuities, deferred
23 compensation, retirement plans, and any other type of personal property that is not
24 tangible personal property;
- 25 (23) (a) "County" means any county, consolidated local government, urban-county
26 government, unified local government, or charter county government;
- 27 (b) "Fiscal court" means the legislative body of any county, consolidated local

1 government, urban-county government, unified local government, or charter
2 county government; and

3 (c) "County judge/executive" means the chief executive officer of any county,
4 consolidated local government, urban-county government, unified local
5 government, or charter county government;

6 (24) "Taxing district" means any entity with the authority to levy a local ad valorem tax,
7 including special purpose governmental entities;

8 (25) "Special purpose governmental entity" shall have the same meaning as in KRS
9 65A.010, and as used in this chapter shall include only those special purpose
10 governmental entities with the authority to levy ad valorem taxes, and that are not
11 specifically exempt from the provisions of this chapter by another provision of the
12 Kentucky Revised Statutes;~~and~~

13 (26) (a) "Broadcast" means the transmission of audio, video, or other signals, through
14 any electronic, radio, light, or similar medium or method now in existence or
15 later devised over the airwaves to the public in general.

16 (b) "Broadcast" shall not apply to operations performed by multichannel video
17 programming service providers as defined in KRS 136.602 or any other
18 operations that transmit audio, video, or other signals, exclusively to persons
19 for a fee; and

20 (27) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
21 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
22 species.

23 ➔Section 3. KRS 148.001 is amended to read as follows:

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

25 (1) "Department" means the Department of Parks.

26 (2) "Commissioner" means the commissioner of parks.

27 (3) "Commission" means the State Property and Buildings Commission.

1 (4) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
 2 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
 3 species.

4 (5) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted
 5 member of the military forces of the United States who was captured, separated, and
 6 incarcerated by an enemy of the United States.

7 ~~(6)~~ (5) "Sanctuary" means a place of refuge where wildlife is maintained and
 8 protected from depredation and destruction.

9 ~~(7)~~ (6) "Wildlife" means all living things that are neither human nor domesticated,
 10 including but not limited to mammals, reptiles, amphibians, birds, fishes,
 11 crustaceans, mollusks, trees, shrubs, vines, wildflowers, and nonflowering plants.

12 ➔Section 4. KRS 150.010 is amended to read as follows:

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

14 (1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod
 15 in hand, jugging, setline, or sport fishing trotline;

16 (2) "Buy" includes offering to buy, acquiring, or possessing through purchase, barter,
 17 exchange, or trade;

18 (3) "Commercial trotline" means a line to which are attached more than fifty (50) single
 19 or multibarbed baited hooks, which shall not be placed closer than eighteen (18)
 20 inches;

21 (4) "Commission" means the Department of Fish and Wildlife Resources Commission;

22 (5) "Commissioner" means the commissioner of the Department of Fish and Wildlife
 23 Resources;

24 (6) "Daylight hours" means the period from one-half (1/2) hour before sunrise to one-
 25 half (1/2) hour after sunset;

26 (7) "Device" means any article, instrument, or equipment of whatever nature or kind
 27 which may be used to take wild animals, wild birds, or fishes;

- 1 (8) "Department" means the Department of Fish and Wildlife Resources;
- 2 (9) "Fishing" means to take or attempt to take in any manner, whether the fisherman
3 has fish in possession or not;
- 4 (10) "Gigging" means the taking of fish by spearing or impaling on any pronged or
5 barbed instrument attached to the end of any rigid object;
- 6 (11) "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with the
7 aid of a handled hook;
- 8 (12) "Hunting" means to take or attempt to take in any manner, whether the hunter has
9 game in possession or not;
- 10 (13) "Identification tag" means a marker made of specified material upon which a name
11 and address or number is placed and attached to unattended gear to designate
12 ownership or responsible operator;
- 13 (14) "Impounded waters" means any public waters backed up behind a dam and includes
14 all water upstream from the dam to the first riffle or shoal;
- 15 (15) "Jugging" means a means of fishing by which a single baited line is attached to any
16 floating object;
- 17 (16) "License" means any document issued by the department authorizing its holder to
18 perform acts authorized by the license and includes any other form of authorization
19 in addition to or in lieu of an actual document which may be authorized by the
20 department by administrative regulation;
- 21 (17) **"Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,**
22 **and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid**
23 **species;**
- 24 **(18)** "Migratory shore or upland game birds" means all species of migratory game birds
25 except waterfowl;
- 26 **(19)**~~(18)~~ "Minnows" means all fish under six (6) inches in length, except basses, either
27 largemouth, smallmouth or Kentucky; rock bass or goggle-eye; trout; crappie;

1 walleye; sauger; pike; members of the striped bass family; and muskellunge;

2 ~~(20)~~~~(19)~~ "Navigable waters" means any waters within this state under lock and dam;

3 ~~(21)~~~~(20)~~ "Nonresident" means a person who has not established a permanent domicile
4 in this state and has not resided in this state for thirty (30) days immediately prior to
5 his application for a license;

6 ~~(22)~~~~(21)~~ "Permit" means any document issued by the department authorizing its holder
7 to perform acts authorized by the permit and includes tags which shall be affixed to
8 wildlife or devices as evidence of holding a permit and includes any other form of
9 authorization in addition to or in lieu of an actual document authorized by the
10 department by administrative regulation;

11 ~~(23)~~~~(22)~~ "Possess" means the act of having or taking into control;

12 ~~(24)~~~~(23)~~ "Prescribed by the department" means established by an administrative
13 regulation;

14 ~~(25)~~~~(24)~~ "Processed wildlife" means any wildlife specimen or parts thereof that have
15 been rendered into a permanently preserved state;

16 ~~(26)~~~~(25)~~ "Protected wildlife" means all wildlife except those species declared
17 unprotected by administrative regulations promulgated by the department;

18 ~~(27)~~~~(26)~~ "Public roadway" includes rural roads, highways, bridges, bridge approaches,
19 city streets, viaducts, and bridges which are normally traveled by the general public
20 and are under the jurisdiction of a state, federal, county, or municipal agency;

21 ~~(28)~~~~(27)~~ "Public waters" means all waters within the state flowing in a natural stream
22 channel or impounded on a natural stream;

23 ~~(29)~~~~(28)~~ "Raw fur" means a hide, fur, or pelt of a fur-bearing animal which has not
24 been processed. Skinning, stretching, oiling, or coloring of the pelt of the animal
25 shall not be considered processing;

26 ~~(30)~~~~(29)~~ "Administrative regulation" means a written regulation promulgated, pursuant
27 to KRS Chapter 13A, by the commissioner with the approval of the commission;

1 ~~(31)~~~~(30)~~ "Resident" means any person who has established permanent domicile and
2 legal residence and has resided in this state for thirty (30) days immediately prior to
3 his application for a license. All other persons shall be classed as nonresidents,
4 except students enrolled for at least six (6) months in an educational institution as
5 full-time students and military personnel of the United States who are under
6 permanent assignment, shall be classified as residents while so enrolled or assigned
7 in this state;

8 ~~(32)~~~~(31)~~ "Resist" means to point a gun at, leave the scene, intimidate or attempt to
9 intimidate in any manner, or further interfere in any manner with any officer in the
10 discharge of his duties;

11 ~~(33)~~~~(32)~~ "Rough fish" means all species of fishes other than those species designated
12 by administrative regulation as sport fishes;

13 ~~(34)~~~~(33)~~ "Sell" includes offering to sell, having or possessing for sale, barter, exchange,
14 or trade;

15 ~~(35)~~~~(34)~~ "Setline" means a line to which is attached one (1) single or multibarbed hook.
16 This line may be attached to a tree limb, tree trunk, bank pole, or other stationary
17 object, on the bank of a stream or impoundment;

18 ~~(36)~~~~(35)~~ "Snagging" means the taking of fish or other aquatic animals through the use
19 of a hand-held pole and attached line with single or multiple fish hooks in which the
20 fish is hooked by a rapid drawing motion rather than enticement by bait;

21 ~~(37)~~~~(36)~~ "Sports fishing trotline" means a line to which are attached no more than fifty
22 (50) single or multibarbed baited hooks which shall not be placed closer together
23 than eighteen (18) inches;

24 ~~(38)~~~~(37)~~ "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture
25 wildlife in any way and any lesser act designed to lure, attract, or entice for these
26 purposes; and to place, set, aim, or use any device, animal, substance, or agency
27 which may reasonably be expected to accomplish these acts; or to attempt to do

1 these acts or to assist any other person in the doing of or the attempt to do these
2 acts;

3 (39)~~[(38)]~~ "Tenant" means any resident sharecropper, lessee, or any other person actually
4 engaged in work upon a farm or lands and residing in a dwelling on the farms or
5 lands including noncontiguous lands, but shall not include any other employee or
6 tenant unless actually residing on the property and engaged or employed as above
7 mentioned;

8 (40)~~[(39)]~~ "Transport" means to carry, move, or ship wildlife from one place to another;

9 (41)~~[(40)]~~ "Waterfowl" means all species of wild ducks, geese, swans, mergansers, and
10 coots; and

11 (42)~~[(41)]~~ "Wildlife" means any normally undomesticated animal, alive or dead,
12 including without limitations any wild mammal, bird, fish, reptile, amphibian, or
13 other terrestrial or aquatic life, whether or not possessed in controlled environment,
14 bred, hatched, or born in captivity and including any part, product, egg, or offspring
15 thereof, protected or unprotected by this chapter.

16 ➔Section 5. KRS 151.100 is amended to read as follows:

17 As used in KRS 151.110 to 151.460 and 151.990, the words listed herein shall have the
18 following respective meanings, unless another or different meaning or intent shall be
19 clearly indicated by the context:

- 20 (1) The word "authority" shall mean the Water Resources Authority of Kentucky;
- 21 (2) The word "cabinet" shall mean the Energy and Environment Cabinet;
- 22 (3) The word "stream" or "watercourse" shall mean any river, creek or channel, having
23 well defined banks, in which water flows for substantial periods of the year to drain
24 a given area, or any lake or other body of water in the Commonwealth;
- 25 (4) The word "diffused surface water" shall mean that water which comes from falling
26 rain or melting snow or ice, and which is diffused over the surface of the ground, or
27 which temporarily flows vagrantly upon or over the surface of the ground as the

1 natural elevations and depressions of the surface of the earth may guide it, until
2 such water reaches a stream or watercourse;

3 (5) The word "ground water" or "subterranean water" shall mean all water which fills
4 the natural openings under the earth's surface including all underground
5 watercourses, artesian basins, reservoirs, lakes, and other bodies of water below the
6 earth's surface;

7 (6) The word "floodway" shall mean that area of a stream or watercourse necessary to
8 carry off flood water as determined by the secretary;

9 (7) The word "floodplain" shall mean the area in a watershed that is subject to
10 inundation;

11 (8) The word "watershed" shall mean all the area from which all drainage passes a
12 given point downstream;

13 (9) The word "domestic use" shall mean the use of water for ordinary household
14 purposes, and drinking water for poultry, livestock, and domestic animals;

15 (10) The word "water resources project" or "project" shall mean any structural or
16 nonstructural study, plan, design, construction, development, improvement or any
17 other activity including programs for management, intended to conserve and
18 develop the water resources of the Commonwealth and shall include all aspects of
19 water supply, flood damage abatement, navigation, water-related recreation, and
20 land conservation facilities and measures;

21 (11) The word "withdraw" or "withdrawal of water" shall mean the actual removal or
22 taking of water from any stream, watercourse or other body of public water;

23 (12) The word "dam" shall mean any artificial barrier, including appurtenant works,
24 which does or can impound or divert water, and which either:

25 (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the
26 stream or watercourse at the downstream toe of the barrier, as determined by
27 the cabinet; or

- 1 (b) Has or will have an impounding capacity at maximum water storage elevation
 2 of fifty (50) acre-feet or more;
- 3 (13) "Embankment dam" shall mean any dam constructed of excavated natural materials
 4 or of industrial waste materials;
- 5 (14) "Gravity dam" shall mean a dam constructed of concrete or masonry that relies on
 6 its weight for stability;
- 7 (15) The word "person" shall mean any individual, public or private corporation,
 8 political subdivision, government agency, municipality, copartnership, association,
 9 firm, trust, estate, or other entity whatsoever;
- 10 (16) "Secretary" shall mean the secretary of the Energy and Environment Cabinet;
- 11 (17) "Authorized representative" shall mean an individual specifically authorized by the
 12 secretary to act in his behalf;
- 13 (18) The word "reservoir" shall mean any basin which contains or will contain the water
 14 impounded by a dam;~~and~~
- 15 (19) "Owner" shall mean any person who owns an interest in, controls, or operates a
 16 dam; and
- 17 **(20) "Livestock" shall mean cattle, sheep, swine, goats, horses, alpacas, llamas,**
 18 **buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine,**
 19 **or camelid species.**

20 ➔Section 6. KRS 154.1-010 is amended to read as follows:

21 As used in this chapter, unless the context indicates otherwise:

- 22 (1) "Agribusiness" or "agricultural business entity" means any person, partnership,
 23 limited partnership, corporation, limited liability company, or any other entity
 24 engaged in a business that processes raw agricultural products, including timber, or
 25 provides value-added functions with regard to raw agricultural products;
- 26 (2) "Approved business network" or "approved flexible industrial network" means a
 27 business network comprising three (3) or more business firms or industries which

- 1 have been identified as key industries and targeted by the state's strategic economic
2 development plan for special consideration and assistance by the agencies of the
3 Commonwealth;
- 4 (3) "Authority" means the Kentucky Economic Development Finance Authority,
5 consisting of a committee as set forth in KRS 154.20-010;
- 6 (4) "Board" means the Kentucky Economic Development Partnership, an
7 administrative body within the meaning of KRS 12.010, and the governing body of
8 the Cabinet for Economic Development, as created and established in KRS 154.10-
9 010;
- 10 (5) "Business network" or "flexible industrial network" means a formalized,
11 collaborative mechanism organized by and operating among three (3) or more
12 industrial entities, business enterprises, or private sector firms for the purposes of,
13 but not limited to: pooling expertise; improving responses to changing technology
14 or markets; lowering the risks to individual entities of accelerated modernization;
15 encouraging new technology investments, new market development, and employee
16 skills improvement; and developing a system of collective intelligence among
17 participating entities;
- 18 (6) "Cabinet" means the Cabinet for Economic Development as established under KRS
19 12.250, and governed by the Kentucky Economic Development Partnership;
- 20 (7) "Commonwealth" means the Commonwealth of Kentucky;
- 21 (8) "Cost of a project" means the cost of the acquisition, construction, reconstruction,
22 conversion, or leasing of any industrial, commercial, health care, agricultural, or
23 forestry enterprise, or any part thereof, to carry out the purposes and objectives of
24 this chapter, including but not limited to acquisition of land or interest in land,
25 buildings, structures, or other planned or existing planned improvements to land,
26 including leasehold improvements, machinery, equipment, or furnishings; working
27 capital; and administrative costs, including but not limited to engineering,

- 1 architectural, legal, and accounting fees which are necessary for the project;
- 2 (9) "Local and regional economic development interest" means any local business or
3 economic development interest, including but not limited to chambers of
4 commerce, business development associations, industrial development
5 organizations, area development districts, and public economic development
6 entities;
- 7 (10) "Industrial entity" means any corporation, limited liability company, partnership,
8 limited partnership, person, or any other legal entity, domestic or foreign, which
9 will itself or through its subsidiaries or affiliates, engage in an industrial
10 improvement project in the Commonwealth;
- 11 (11) "Industrial improvement project" means and includes the acquisition, construction,
12 or implementation of new manufacturing, processing, or assembling facilities,
13 equipment, methods or processes, or improvements to or repair of existing
14 manufacturing, processing, or assembling facilities, equipment, methods, or
15 processes, including repair, restoration, or conversion of tobacco warehouses, as
16 well as improvements to the real estate upon which the facilities are located, and
17 includes any capital improvement to any existing facility, including any
18 restructuring, retooling, rebuilding, reequipping, or any other form of upgrading
19 such existing facility and equipment and any other improvements to such real estate,
20 existing facility, or manufacturing, processing, or assembling equipment, method,
21 or process;
- 22 (12) "Key industry" means an industry or business within an industrial sector which has
23 been identified in and targeted by the state's economic development strategic plan as
24 having major importance to the sustained economic growth of the Commonwealth
25 and in which member firms sell goods or services into markets for which national or
26 international competition exists, including but not limited to secondary forest
27 products manufacturing, agribusiness, and high technology and biotechnology

- 1 manufacturing and services;
- 2 (13) "Military" and "defense" mean all military and defense installations, entities,
3 activities, and personnel located, operating, or living in Kentucky;
- 4 (14) "Municipality" means a county, city, village, township, development organization,
5 an institution of higher education, a community or junior college, a subdivision or
6 instrumentality of any of the foregoing, or any entity created by two (2) or more
7 municipalities pursuant to the Interlocal Cooperation Act, KRS 65.210 to 65.300;
- 8 (15) "Network broker" means a person who is trained to assist private sector firms to
9 form business networks and make other similar efforts to provide for joint
10 manufacturing, marketing, technology development, information dissemination, and
11 other activities;
- 12 (16) "Non-appropriation-supported bond" means any long-term financial borrowing
13 instrument for which regular debt service does not originate from an appropriation
14 of the General Assembly;
- 15 (17) "Non-appropriation-supported note" means any short-term financial borrowing
16 instrument for which loan payments do not originate from an appropriation of the
17 General Assembly;
- 18 (18) "Person" means an individual, partnership, joint venture, military facility operated
19 by a department or agency of the United States, profit or nonprofit corporation
20 including a public or private college or university, limited liability company, or
21 other entity or association of persons organized for agricultural, commercial, health
22 care, or industrial purposes; or a public utility or local industrial development
23 corporation;
- 24 (19) "Private sector" means any source other than the authority, a state or federal entity,
25 or an agency thereof;
- 26 (20) (a) "Project" means an endeavor approved by the cabinet or authority and related
27 to industrial, manufacturing, mining, mining reclamation for economic

1 development, commercial, health care, or agricultural enterprise.

2 (b) "Project" ***includes***~~[shall include]~~ but is not limited to agribusiness,
3 agricultural or forestry production, harvesting, storage, or processing facilities
4 or equipment; equipment or facilities designed to produce energy from
5 renewable resources; research parks; office facilities; engineering facilities;
6 research and development laboratories; repair, restoration, or conversion of
7 tobacco warehouses for an economic development or commercial use;
8 warehousing facilities; parts distribution facilities; depots or storage facilities;
9 port facilities; railroad facilities, including trackage, right-of-way, and
10 appurtenances; airports and airport renovation; water and air pollution control
11 equipment or waste disposal facilities; tourist facilities; theme or recreational
12 parks; health care and health related facilities; farms, ranches, forests, and
13 other agricultural or forestry commodity producers; agricultural harvesting,
14 storage, transportation, or processing facilities or equipment; grain elevators;
15 shipping heads and livestock pens; livestock; wharves and dock facilities;
16 water, electricity, hydroelectric, coal, petroleum, or natural gas provision
17 facilities; dams and irrigation facilities; sewage, liquid, and solid waste
18 collection, disposal treatment, and drainage services and facilities. ***For***
19 ***purposes of this paragraph, "livestock" means cattle, sheep, swine, goats,***
20 ***horses, alpacas, llamas, buffaloes, and any other animals of the bovine,***
21 ***ovine, porcine, caprine, equine, or camelid species.***

22 (c) Except for airport-related facilities and tax increment financing projects
23 approved under Subchapter 30 of this chapter, "project" ***does***~~[shall]~~ not
24 include that portion of an endeavor devoted to the sale of goods at retail or
25 that portion of an endeavor devoted to housing which does not consist of the
26 manufacture of housing;

27 (21) "Reclamation development fund" means the fund administered by the Kentucky

1 Economic Development Finance Authority to foster economic development on
2 surface mining land;

3 (22) "Reclamation development project" means only that reconditioning of land affected
4 by surface mining, which will directly promote and benefit an economic
5 undertaking which constitutes a project under subsection (20) of this section;

6 (23) "Reclamation development plan" means a plan submitted to the Energy and
7 Environment Cabinet to show compliance with reclamation standards, and
8 submitted to the Kentucky Economic Development Finance Authority to seek
9 moneys from the reclamation development fund for a reclamation development
10 project;

11 (24) "Secretary" means the chief executive officer and secretary of the Cabinet for
12 Economic Development;

13 (25) "State" means the Commonwealth of Kentucky; and

14 (26) "Tax revenues" means any revenues received by the Commonwealth directly or
15 indirectly as a result of the industrial improvement project, including state corporate
16 income taxes, the limited liability entity tax imposed by KRS 141.0401, state
17 income taxes paid by employees who work in the project, state property taxes, state
18 corporation license taxes, or state sales and use taxes.

19 ➔Section 7. KRS 176.051 is amended to read as follows:

20 (1) The Department of Highways shall keep all state rights-of-way free of all of the
21 following, which are noxious weeds and invasive plants:

22 (a) The species of grass, *Sorghum halepense*, commonly known as Johnson grass;

23 (b) The species of weed commonly known as giant foxtail;

24 (c) The thistles *Cirsium arvense* and *Carduus nutans*, commonly known as
25 Canada thistles and nodding thistles, respectively;

26 (d) Multiflora rose;

27 (e) Kudzu;

- 1 (f) Poison hemlock;
- 2 (g) Marestalk;
- 3 (h) Amur honeysuckle;
- 4 (i) Japanese knotweed; and
- 5 (j) Common teasel.
- 6 (2) Upon written request, the department shall give priority to and shall cooperate with
- 7 any abutting property owner engaged in a program of eradication by eradicating the
- 8 noxious weeds and invasive plants identified in subsection (1) of this section, or in
- 9 administrative regulations promulgated pursuant to subsection (4) of this section,
- 10 from abutting state rights-of-way. The department shall take steps to eradicate this
- 11 grass and these weeds or thistles by the use of chemicals or any other means found
- 12 to be effective by the department.
- 13 (3) The Department of Highways shall inform property owners of the availability of the
- 14 eradication program. In carrying out this responsibility the department shall, no later
- 15 than the first week in March of every year, advertise in each county, pursuant to the
- 16 provisions of KRS Chapter 424 that the program is available. The department shall
- 17 stipulate in the advertisement the place and manner in which an interested property
- 18 owner may make a written request for inclusion in the program. The department
- 19 shall also promote awareness of the availability of the eradication program through
- 20 the use of electronic media and the Cooperative Extension Service.
- 21 (4) (a) The Department of Highways may by administrative regulation add noxious
- 22 weeds and invasive plants to or delete them from the list of noxious weeds
- 23 and invasive plants enumerated in subsection (1) of this section. In making a
- 24 determination regarding a noxious weed or invasive plant, the department may
- 25 consider the following:
- 26 1. The plant's ability to directly or indirectly injure or cause damage to
- 27 crops, livestock, poultry, or other interests of agriculture;

- 1 2. The plant's impact on the public health;
- 2 3. The plant's impact on the environment; and
- 3 4. The level of difficulty associated with controlling or eradicating the
- 4 plant.

5 (b) The department shall review this administrative regulation at least once every

6 four (4) years.

7 **(c) For purposes of this subsection, "livestock" means cattle, sheep, swine,**

8 **goats, horses, alpacas, llamas, buffaloes, and any other animals of the**

9 **bovine, ovine, porcine, caprine, equine, or camelid species.**

10 ➔Section 8. KRS 186.010 is amended to read as follows:

11 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;

12 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,

13 means the Transportation Cabinet only with respect to motor vehicles, other than

14 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the

15 Department of Vehicle Regulation when used with respect to commercial vehicles.

16 (2) "Highway" means every way or place of whatever nature when any part of it is open

17 to the use of the public, as a matter of right, license, or privilege, for the purpose of

18 vehicular traffic.

19 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who

20 will, under normal conditions during the year, manufacture or assemble at least ten

21 (10) new motor vehicles.

22 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in

23 paragraph (a) of subsection (8) of this section, which are propelled otherwise than

24 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as

25 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.

26 "Motor vehicle" shall not include a moped as defined in this section, but shall

27 include low-speed vehicles as defined in this section.

- 1 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
2 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
3 motorized bicycle with a step-through type frame which may or may not have
4 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
5 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
6 clutching or shifting by the operator after the drive system is engaged, and capable
7 of a maximum speed of not more than thirty (30) miles per hour.
- 8 (6) "Operator" means any person in actual control of a motor vehicle upon a highway.
- 9 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
10 pursuant to a bona fide sale has received physical possession of the vehicle
11 subject to any applicable security interest.
- 12 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
13 the vendee or lessee entitled to possession of the vehicle, upon performance of
14 the contract terms, for a period of three hundred sixty-five (365) days or more
15 and with the right of purchase upon performance of the conditions stated in
16 the agreement and with an immediate right of possession vested in the
17 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
18 possession, the conditional vendee or lessee or mortgagor shall be deemed the
19 owner.
- 20 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
21 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
22 requirements of KRS 186A.220, shall not be deemed the owner of that motor
23 vehicle solely due to an assignment to his dealership or a certificate of title in
24 the dealership's name. Rather, under these circumstances, ownership shall
25 transfer upon delivery of the vehicle to the purchaser, subject to any
26 applicable security interest.
- 27 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the

1 transportation of persons or property over or upon the public highways of this
2 Commonwealth and all vehicles passing over or upon said highways,
3 excepting road rollers, road graders, farm tractors, vehicles on which power
4 shovels are mounted, such other construction equipment customarily used
5 only on the site of construction and which is not practical for the
6 transportation of persons or property upon the highways, such vehicles as
7 travel exclusively upon rails, and such vehicles as are propelled by electric
8 power obtained from overhead wires while being operated within any
9 municipality or where said vehicles do not travel more than five (5) miles
10 beyond the city limit of any municipality.

11 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or
12 by which any person or property is or may be transported or drawn upon a
13 public highway, excepting devices moved by human and animal power or
14 used exclusively upon stationary rails or tracks, or which derives its power
15 from overhead wires.

16 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640
17 apply to operator's licenses.

18 (10) "Dealer" means any person engaging in the business of buying or selling motor
19 vehicles.

20 (11) "Commercial vehicles" means all motor vehicles that are required to be registered
21 under the terms of KRS 186.050, but not including vehicles primarily designed for
22 carrying passengers and having provisions for not more than nine (9) passengers
23 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger
24 vans which are not being used for commercial or business purposes, and motor
25 vehicles registered under KRS 186.060.

26 (12) "Resident" means any person who has established Kentucky as his or her state of
27 domicile. Proof of residency shall include but not be limited to a deed or property

1 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
2 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
3 facie evidence that the operator is a resident of Kentucky.

4 (13) "Special status individual" means:

5 (a) "Asylee" means any person lawfully present in the United States who
6 possesses an I-94 card issued by the United States Department of Justice,
7 Immigration and Naturalization Service, on which it states "asylum status
8 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
9 Act";

10 (b) "K-1 status" means the status of any person lawfully present in the United
11 States who has been granted permission by the United States Department of
12 Justice, Immigration and Naturalization Service to enter the United States for
13 the purpose of marrying a United States citizen within ninety (90) days from
14 the date of that entry;

15 (c) "Refugee" means any person lawfully present in the United States who
16 possesses an I-94 card issued by the United States Department of Justice,
17 Immigration and Naturalization Service, on which it states "admitted as a
18 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and

19 (d) "Paroled in the Public Interest" means any person lawfully present in the
20 United States who possesses an I-94 card issued by the United States
21 Department of Justice, Immigration and Naturalization Service, on which it
22 states "paroled pursuant to Section 212 of the Immigration & Nationality Act
23 for an indefinite period of time."

24 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
25 instruction permits.

26 (15) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of
27 the operator and designed to travel on not more than three (3) wheels in contact

1 with the ground, including vehicles on which the operator and passengers ride in an
2 enclosed cab. "Motorcycle" shall include an alternative-speed motorcycle as defined
3 in this section, but shall not include a tractor or a moped as defined in this section.

4 (16) "Low-speed vehicle" means a motor vehicle that:

- 5 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
6 combination thereof;
- 7 (b) Is four (4) wheeled; and
- 8 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
9 as certified by the manufacturer.

10 (17) "Alternative-speed motorcycle" means a motorcycle that:

- 11 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
12 combination thereof;
- 13 (b) Is three (3) wheeled;
- 14 (c) Has a fully enclosed cab and includes at least one (1) door for entry; and
- 15 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
16 certified by the manufacturer.

17 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a
18 highway or otherwise open to the public on which a number of motor vehicles may
19 be used simultaneously to provide driver training under the supervision of one (1) or
20 more driver training instructors.

21 **(19) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,**
22 **and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid**
23 **species.**

24 ➔Section 9. KRS 186.675 is amended to read as follows:

25 (1) The annual registration fee for trailers and semitrailers which are drawn by motor
26 vehicles required to be licensed under KRS 186.050(1) shall be four dollars and
27 fifty cents (\$4.50). The annual registration fee for trailers and semitrailers which are

- 1 drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) shall
2 be nineteen dollars and fifty cents (\$19.50).
- 3 (2) The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and
4 operated trailers used for the transportation of:
- 5 (a) Boats;
- 6 (b) Luggage;
- 7 (c) Personal effects;
- 8 (d) Farm products, farm supplies, or farm equipment;
- 9 (e) All-terrain vehicles as defined in KRS 189.010(24);
- 10 (f) Wildlife as defined in KRS 150.010(~~42~~)(~~41~~) that the owner or operator of
11 the trailer has obtained while hunting; and
- 12 (g) Firearms or other supplies used in conjunction with hunting wildlife.
- 13 (3) The registration fee for mobile homes and recreational vehicles shall be nine dollars
14 and fifty cents (\$9.50) except the registration fee for camping trailers, travel trailers,
15 and truck campers shall be four dollars and fifty cents (\$4.50). The clerk shall issue
16 the registration plate furnished by the cabinet and shall be paid for this service the
17 sum of one dollar (\$1).
- 18 (4) Beginning April 1, 1993, at the request of the owner, trailers and semitrailers which
19 are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13)
20 may be permanently registered, except the registration shall expire when the trailer
21 or semitrailer is sold or when it is otherwise permanently removed from service by
22 the owner. The registration fee for the period shall be ninety-eight dollars (\$98).
23 The clerk shall issue the registration plate furnished by the cabinet and shall be paid
24 for this service the sum of three dollars (\$3).
- 25 ➔Section 10. KRS 189.222 is amended to read as follows:
- 26 (1) Except as provided in subsection (2) of this section, the secretary of the
27 Transportation Cabinet in respect to highways which are a part of the state-

1 maintained system, by official order, may increase on designated highways or
2 portions thereof, the maximum height, length, and gross weight prescribed in KRS
3 189.221, if in the opinion of the secretary, the increased height, length, and weight
4 designated by him are justified by the strength, safety, and durability of the
5 designated highways, and the highways do not appear susceptible to unreasonable
6 and unusual damage by reason of the increases and the secretary may establish
7 reasonable classification of state maintained roads and fix a different maximum for
8 each classification. Any increase in the height, length, or width of any motor truck
9 or tractor semitrailer combinations or any other vehicle combinations including any
10 part of the body or load or designation of highways to be used by the vehicles, shall
11 not, in any way, exceed the federal law or regulations thereunder or jeopardize the
12 allotment or qualification for federal aid funds of the Commonwealth of Kentucky
13 or exceed the following dimensions and weights:

- 14 (a) Height, thirteen and one-half (13-1/2) feet;
- 15 (b) Length, semitrailers, fifty-three (53) feet; trailers, twenty-eight (28) feet;
16 motor trucks, forty-five (45) feet, not to exceed two (2) trailers per truck
17 tractor;
- 18 (c) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
19 forty-two (42) inches apart to be considered as a single axle; thirty-four
20 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
21 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches
22 apart; forty-eight thousand (48,000) pounds on three (3) axles which are
23 spaced forty-two (42) inches or more apart and less than one hundred twenty
24 (120) inches apart. No single axle in any arrangement shall exceed twenty
25 thousand (20,000) pounds or seven hundred (700) pounds per inch of the
26 aggregate width of all the tires on a single axle, whichever is less. The total
27 gross weight of the vehicle and load shall not exceed eighty thousand (80,000)

1 pounds;

2 (d) Except on the interstate highway system, a tolerance of not more than five
3 percent (5%) per axle load shall be permitted before a carrier is deemed to
4 have violated paragraph (c) of this subsection. The gross weight shall not
5 exceed eighty thousand (80,000) pounds;

6 (e) Except as provided for in paragraph (f) of this subsection, truck tractor,
7 semitrailer and trailer combinations, and other vehicle combinations may be
8 operated only on the interstate system and on those parts of the federal aid
9 highway system and the state-maintained system which have been designated
10 by the secretary of the Transportation Cabinet by official order as safely
11 allowing same;

12 (f) A vehicle or combination of vehicles that is one hundred two (102) inches
13 wide or less and has a gross weight of not more than eighty thousand (80,000)
14 pounds may be driven on any state highway, for a distance of up to fifteen
15 (15) miles from an interstate or parkway exit.

16 (2) In addition to the provisions of KRS 189.2226, vehicles with a gross weight of up to
17 eighty thousand (80,000) pounds may travel on any state highway in the
18 Commonwealth without obtaining a special permit, if the weight does not exceed
19 any limits mandated by federal law or regulation, any posted bridge weight limit, or
20 the weight limits for the size and type of vehicle established under paragraph (c) of
21 subsection (1) of this section, and if the vehicle is transporting any of the following:

22 (a) Meats or agricultural crop products originating from a farm to first market;

23 (b) Livestock or poultry from their point of origin to first market. **As used in this**
24 **paragraph and in paragraph (d) of this subsection, "livestock" means**
25 **cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other**
26 **animals of the bovine, ovine, porcine, caprine, equine, or camelid species;**

27 (c) Primary forest products, including, but not limited to, sawdust, wood chips,

- 1 bark, slabs, or logs originating from their points of origin to first market; or
- 2 (d) Supplies, materials, or equipment necessary to carry out a farming operation
- 3 engaged in the production of agricultural crop products, meats, livestock, or
- 4 poultry.
- 5 (3) Vehicles registered under KRS 186.050(4)(b) that are engaged exclusively in the
- 6 transportation of items listed in subsection (2)(a), (b), and (c) of this section may
- 7 exceed the gross weight provisions set forth in subsection (1)(c) of this section by a
- 8 weight tolerance of ten percent (10%), except on the interstate highway system.
- 9 (4) Vehicles exclusively engaged in the transportation of motor vehicles,
- 10 unmanufactured tobacco, or unmanufactured tobacco products may, on those
- 11 highways which are a part of the state-maintained system and which have been
- 12 designated by the secretary of the Transportation Cabinet by official order as safely
- 13 allowing same, attain the maximum lengths as provided by subsection (1)(b) of this
- 14 section, excluding the usual and ordinary bumper overhang of the transported
- 15 vehicles.
- 16 (5) Vehicles engaged exclusively in the transportation of farm or primary forestry
- 17 products and registered under KRS 186.050(4) or 186.050(9) and vehicles engaged
- 18 exclusively in the transportation of ready-mixed concrete shall be excluded from the
- 19 axle weight provisions, except on interstate highways, and subject only to total
- 20 gross weight provisions.
- 21 (6) Vehicles registered pursuant to KRS 186.050(3)(b) and engaged in the
- 22 transportation of primary forest products, including, but not limited to, vehicles
- 23 transporting sawdust, wood chips, bark, slabs, or logs, may exceed the axle, or gross
- 24 weight provisions as set forth in accordance with subsection (1)(c) of this section by
- 25 a weight tolerance of ten percent (10%), except on the interstate highway system.
- 26 (7) Vehicles designed for and engaged exclusively in the collection and hauling of
- 27 refuse and registered under KRS 186.050(3)(b) shall be excluded from the axle

1 weight provisions, except when in operation on the federal interstate system, and
2 subject only to total gross weight provisions.

3 (8) The secretary of the Transportation Cabinet may by order increase the weight and
4 height limits prescribed by this chapter for motor vehicles while being operated
5 exclusively on roads or highways being constructed, reconstructed, or repaired
6 under contract with the Transportation Cabinet by the contractor or subcontractor,
7 agent, or employee thereof.

8 (9) Except as otherwise provided in this chapter, the secretary of the Transportation
9 Cabinet shall not authorize the operation of any vehicle or combination of vehicles,
10 upon any part of the federal aid highway system or state parkway system, which
11 exceeds the following dimensions and weights:

12 (a) Width, one hundred two (102) inches, including any part of the body or load;

13 (b) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
14 forty-two (42) inches apart to be considered as a single axle; thirty-four
15 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
16 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches
17 apart; forty-eight thousand (48,000) pounds on three (3) axles which are
18 spaced forty-two (42) inches or more apart and less than one hundred twenty
19 (120) inches apart. The total gross weight of the vehicle and load shall not
20 exceed eighty thousand (80,000) pounds. If any federal law or laws or
21 regulations thereunder are hereafter enacted authorizing weights and
22 dimensions in excess of those set out in paragraphs (a) and (b) of this
23 subsection, the secretary of the Transportation Cabinet may by official order
24 increase the maximum weights and dimensions but the increased weights and
25 dimensions shall not exceed those set out in this section.

26 (10) Except on the interstate highway system, vehicles engaged exclusively in the
27 transportation of crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate

1 muck, asphalt, concrete, solid waste, tankage or animal residues, livestock, and
 2 agricultural products shall be permitted a tolerance of ten percent (10%) of the axle
 3 weight provisions before a carrier is deemed to have violated paragraph (1)(c) of
 4 this section.

5 (11) The Transportation Cabinet may promulgate administrative regulations pursuant to
 6 KRS Chapter 13A, relating to the implementation of 23 C.F.R. Part 658 as it relates
 7 to state-maintained or locally maintained roads. The enforcement of the provisions
 8 of KRS 189.221 and this section on locally maintained roads shall not be the
 9 responsibility of the law enforcement officers of the Transportation Cabinet, unless
 10 the head of the corresponding local government unit has requested, in writing,
 11 enforcement assistance from the Transportation Cabinet.

12 ➔Section 11. KRS 211.015 is amended to read as follows:

13 (1) As used in KRS 211.005 to 211.380, unless the context requires otherwise:

14 (a) "Cabinet" means the Cabinet for Health and Family Services;

15 (b) "Farmstead" means a farm dwelling, together with other farm buildings and
 16 structures incident to the operation and maintenance of the farm, situated on
 17 ten (10) contiguous acres or more of land outside the corporate limits of a
 18 municipality:

19 1. Used for the production of livestock, livestock products, poultry, poultry
 20 products, dairy, dairy products, or horticulture products or for the
 21 growing of crops such as, but not limited to, tobacco, corn, soybeans,
 22 and wheat. *For purposes of this paragraph, "livestock" means cattle,*
 23 *sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other*
 24 *animals of the bovine, ovine, porcine, caprine, equine, or camelid*
 25 *species*; or

26 2. Where devoted to and meeting the requirements and qualifications for
 27 payments pursuant to agriculture programs under an agreement with the

1 state or federal government;

2 (c) "Secretary" means the secretary of the Cabinet for Health and Family
3 Services; and

4 (d) "Private water supply" means a residential water supply located on private
5 property under the control of a person holding a possessory interest in the
6 property, the use of which is limited to family members.

7 (2) As used in KRS 200.560 and 200.550, unless the context otherwise requires:

8 (a) "Department" means Department for Public Health;

9 (b) "Commissioner" means the commissioner of the Department for Public
10 Health;

11 (c) "Committee" means the Hemophilia Advisory Committee; and

12 (d) "Hemophilia" means a bleeding disorder resulting from a genetically
13 determined deficiency factor in the blood, or hereditarily resulting in an
14 abnormal or deficient plasma procoagulant.

15 ➔Section 12. KRS 217.544 is amended to read as follows:

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

17 (1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control,
18 or mitigate pests, or which will act as a plant regulator, defoliant, or desiccant, or as
19 a functioning agent in a spray adjuvant;

20 (2) "Adulterated" shall apply to any pesticide if its strength or purity falls below the
21 professed standard or quality as expressed on its labeling or under which it is sold,
22 or if any substance has been substituted wholly or in part for the pesticide, or if any
23 valuable constituent of the pesticide has been wholly or in part abstracted;

24 (3) "Animal" means all vertebrate and invertebrate species, including but not limited to
25 man and other mammals, birds, fish, and shellfish;

26 (4) "Antidote" means the most practical immediate treatment in case of poisoning and
27 includes first-aid treatment;

- 1 (5) "Board" means the Pesticide Advisory Board;
- 2 (6) "Defoliant" means any substance or mixture of substances intended to cause the
3 leaves or foliage to drop from a plant, with or without causing abscission;
- 4 (7) "Desiccant" means any substance or mixture of substances intended to artificially
5 accelerate the drying of plant tissue;
- 6 (8) "Device" means any instrument or contrivance other than a firearm which is
7 intended for trapping, destroying, repelling, or mitigating any pest or any other form
8 of plant or animal life other than man and other bacteria, virus, or other
9 microorganisms on or in living man or other living animals; but not including
10 equipment used for the application of pesticides when sold separately therefrom;
- 11 (9) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for
12 shipment, or receive and, having received, deliver or offer to deliver pesticides in
13 this state;
- 14 (10) "Environment" includes water, air, land, and all plants and man and other animals
15 living therein and the interrelationships which exist among these;
- 16 (11) "EPA" means the United States Environmental Protection Agency;
- 17 (12) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as
18 amended;
- 19 (13) "Fungi" means all nonchlorophyll-bearing thallophytes; that is, all nonchlorophyll-
20 bearing plants of a lower order than mosses and liverworts, as for example, rusts,
21 smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living
22 man or other living animals, and except those in or on processed food, beverages, or
23 pharmaceuticals;
- 24 (14) "Highly toxic pesticide" means any pesticide determined to be highly toxic under
25 the authority of sec. 25(c)(2) of FIFRA or by the department under this chapter;
- 26 (15) "Imminent hazard" means a situation which exists when the continued use of a
27 pesticide would likely result in unreasonable adverse effects on the environment or

1 will involve unreasonable hazard to the survival of a species declared endangered
2 by the secretary of the United States Department of Interior under Pub. L. 91-135 of
3 the United States Congress;

4 (16) "Inert ingredient" means an ingredient which is not an active ingredient;

5 (17) "Ingredient statement" means a statement of the name and percentage of each active
6 ingredient together with the total percentage of the inert ingredients in the pesticide
7 and, when the pesticide contains arsenic in any form, a statement of the percentage
8 of total and water-soluble arsenic, each stated as elemental arsenic;

9 (18) "Insect" means any of the numerous small invertebrate animals generally having the
10 body more or less obviously segmented, for the most part belonging to the class
11 insecta, comprising six (6) legged, usually winged forms, as for example, beetles,
12 bugs, bees, flies, and to other allied classes of arthropods whose members are
13 wingless and usually have more than six (6) legs, as, for example, spiders, mites,
14 ticks, centipedes, and wood lice, also nematodes and other invertebrates which are
15 destructive, constitute a liability, and may be classed as pests;

16 (19) "Label" means the written, printed, or graphic matter on, or attached to, the
17 pesticide or device, or to any of its containers or wrappers;

18 (20) "Labeling" means the label and other written, printed, or graphic matter:

19 (a) On the pesticide or device, or any of its containers or wrappers;

20 (b) Accompanying the pesticide or device at any time or referring to it in any
21 other media used to disseminate information to the public; and

22 (c) To which reference is made on the label or in the literature accompanying the
23 pesticide or device, except when accurate nonmisleading reference is made to
24 current official publications of the United States Environmental Protection
25 Agency, the Departments of Agriculture and Interior, the Department of
26 Health, Education and Welfare, and other similar federal institutions, the
27 College of Agriculture, University of Kentucky, Kentucky Agricultural

1 Experiment Station, Cabinet for Health and Family Services, Energy and
2 Environment Cabinet, or other agencies of this state or other states when such
3 agencies are authorized by law to conduct research in the field of pesticides;

4 (21) "Land" means all land and water areas, including air space and all plants, animals,
5 structures, buildings, contrivances, and machinery appurtenant thereto, or situated
6 thereon, fixed or mobile, including any used for transportation;

7 (22) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
8 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
9 species;

10 (23) "Misbranded" means a pesticide is misbranded if:

11 (a) Its labeling bears any statement, design, or graphic representation relative
12 thereto or to its ingredients which is false or misleading in any particular;

13 (b) It is an imitation of or is distributed under the name of another pesticide;

14 (c) The labeling accompanying it does not contain directions for use which are
15 necessary for effecting the purpose for which the product is intended and, if
16 complied with, together with any requirements imposed under section 3(d) of
17 FIFRA are adequate to protect health and the environment;

18 (d) The labeling does not contain a statement of the use classification under which
19 the product is registered by EPA;

20 (e) The label does not contain a warning or caution statement which may be
21 necessary and if complied with, together with any requirements imposed
22 under section 3(d) of FIFRA, is adequate to protect health and the
23 environment;

24 (f) The label does not bear an ingredient statement on that part of the immediate
25 container, and on the outside container or wrapper, if there be one, through
26 which the ingredient statement on the immediate container cannot be clearly
27 read, of the retail package which is presented or displayed under customary

1 conditions of the purchase; provided, that the ingredient statement may appear
2 prominently on another part of the container pursuant to section 2(q) 2(A) (i)
3 (ii) of FIFRA if the size and form of the container makes it impractical to
4 place it on that part of the retail package which is presented or displayed under
5 customary conditions of purchase;

6 (g) Any word, statement, or other information required by KRS 217.542 to
7 217.630 or FIFRA to appear on the label or labeling is not prominently placed
8 thereon with such conspicuousness, as compared to other words, statements,
9 designs, or graphic matter in the labeling, and in such terms as to render it
10 likely to be read and understood by the ordinary individual under customary
11 conditions of purchase and use;

12 (h) The label does not bear the name, brand, or trademark under which the
13 pesticide is distributed;

14 (i) The label does not bear the net weight or measure of the content;

15 (j) The label does not bear the name and address of the manufacturer, registrant,
16 or person for whom manufactured; and

17 (k) The label does not bear the EPA registration number assigned to each
18 establishment in which the product is produced and the EPA number assigned
19 to the pesticide, if required by regulation under FIFRA;

20 ~~(24)~~~~(23)~~ "Nematode" means invertebrate animals of the phylum nemathelminthes and
21 class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-
22 like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts;
23 may also be called nemas or eelworms;

24 ~~(25)~~~~(24)~~ "Person" means any individual, partnership, association, or any organized
25 group of persons whether incorporated or not;

26 ~~(26)~~~~(25)~~ "Pest" means any insect, snail, slug, rodent, nematode, fungus, weed, and any
27 other form of plant or animal life, or virus, bacteria, or other microorganism, except

1 viruses, bacteria, or other microorganisms on or in living man or other living
2 animals, which is normally considered to be a pest, or which the department may
3 declare to be a pest;

4 ~~(27)~~~~(26)~~ "Pesticide" means any substance or mixture of substances intended to prevent,
5 destroy, control, repel, attract, or mitigate any pest; any substance or mixture of
6 substances intended to be used as a plant regulator, defoliant, or desiccant; and any
7 substance or mixture of substances intended to be used as a spray adjuvant;

8 ~~(28)~~~~(27)~~ "Plant regulator" means any substance or mixture of substances, intended
9 through physiological actions, to accelerate or retard the rate of growth or
10 maturation, or to otherwise alter the behavior of plants, but shall not include
11 substances insofar as they are intended to be used as plant nutrients, trace elements,
12 nutritional chemicals, plant inoculants, or soil amendments;

13 ~~(29)~~~~(28)~~ "Protect health and the environment" means protection against any
14 unreasonable adverse effects on the environment;

15 ~~(30)~~~~(29)~~ "Registrant" means a person who has registered any pesticide pursuant to the
16 provisions of KRS 217.542 to 217.630;

17 ~~(31)~~~~(30)~~ "Restricted-use pesticide" means any pesticide classified for restricted use by
18 the administrator, EPA, or by regulation of the department;

19 ~~(32)~~~~(31)~~ "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit
20 builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or
21 similar agent intended to be used with any other pesticide as an aid to the
22 application or to the effect thereof, and which is in a package or container separate
23 from that of the other pesticide with which it is to be used;

24 ~~(33)~~~~(32)~~ "Unreasonable adverse effects on the environment" means any unreasonable
25 risk to man or the environment, taking into account the economic, social, and
26 environmental costs and benefits of the use of any pesticide;

27 ~~(34)~~~~(33)~~ "Weed" means any plant which grows where not wanted; and

1 ~~(35)~~~~(34)~~ "Wildlife" means all living things that are neither human, domesticated, nor as
2 defined in KRS 217.542 to 217.630, pests, including but not limited to mammals,
3 birds, and aquatic life.

4 ➔Section 13. KRS 217B.040 is amended to read as follows:

5 For the purposes of this chapter, unless the context requires otherwise:

6 (1) "Pest" means:

7 (a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

8 (b) Any other form of plant or animal life, or virus, bacteria, or other
9 microorganism, except viruses, bacteria, or other microorganisms on or in
10 living man or other living animals, which is normally considered to be a pest,
11 or which the department declares to be a pest;

12 (2) "Pesticide" means:

13 (a) Any substance or mixture of substances intended to prevent, destroy, control,
14 repel, attract, or mitigate any pest;

15 (b) Any substance or mixture of substances intended to be used as a plant
16 regulator, defoliant, or desiccant; or

17 (c) Any substance or mixture of substances intended to be used as a spray
18 adjuvant, once they have been mixed with an EPA registered product;

19 (3) "Defoliant" means any substance or mixture of substances intended to cause the
20 leaves or foliage to drop from a plant with or without causing abscission;

21 (4) "Desiccant" means any substance or mixture of substances intended to artificially
22 accelerate the drying of plant tissues;

23 (5) "Plant regulator" means any substance or mixture of substances intended through
24 physiological action to accelerate or retard the rate of growth or maturation, or to
25 otherwise alter the behavior of plants, but shall not include substances insofar as
26 they are intended to be used as plant nutrients, trace elements, nutritional chemicals,
27 plant inoculants, or soil amendments;

- 1 (6) "Insect" means any of the numerous small invertebrate animals generally having the
2 body more or less obviously segmented, for the most part belonging to the class
3 insecta, comprising six (6) legged, usually winged forms, as for example beetles,
4 bugs, bees, wasps, and flies, and includes other allied classes of arthropods whose
5 members are wingless and usually have more than six (6) legs, as for example
6 spiders, mites, ticks, centipedes, and wood lice, and also nematodes and other
7 worms, and any other invertebrates which are destructive, constitute a liability, and
8 may be classed as pests;
- 9 (7) "Fungi" means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-
10 bearing plants of a lower order than mosses and liverworts, as for example, rusts,
11 smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living
12 man or other living animals, and except those in or on processed food, beverages, or
13 pharmaceuticals;
- 14 (8) "Fertilizer" means any substance containing one (1) or more recognized plant
15 nutrients, which is used for its plant nutrient content and which is designed for use
16 or claimed to have value in promoting plant growth, except unmanipulated animal
17 and vegetable manures, marl, lime, limestone, wood ashes, and other products
18 exempted by administrative regulation;
- 19 (9) "Weed" means any plant which grows where not wanted;
- 20 (10) "Nematode" means invertebrate animals of the phylum nemathelminthes and class
21 nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like
22 bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts, and
23 may also be called nemas or eelworms;
- 24 (11) "Snails or slugs" include all harmful mollusks;
- 25 (12) "Person" means any individual, partnership, association, or any organized group of
26 persons whether incorporated or not;
- 27 (13) "Equipment" means any type of ground, water, or aerial equipment, device, or

- 1 contrivance using motorized, mechanical, or pressurized power and used to apply
2 any pesticide on land and anything that may be growing, habitating, or stored on or
3 in the land, but shall not include any pressurized hand-sized household device used
4 to apply any pesticide;
- 5 (14) "Restricted use pesticide" means any pesticide classified for restricted use by the
6 administrator, EPA, or by administrative regulation of the department;
- 7 (15) "Land" means all land and water areas, including airspace, and all plants, animals,
8 structures, buildings, devices, and contrivances and machinery appurtenant to or
9 situated on them, fixed or mobile, including any used for transportation;
- 10 (16) "Pesticide applicator" means any individual employed or supervised by a pesticide
11 operator to apply pesticides. The term does not include trainees;
- 12 (17) "Pesticide operator" means any individual who owns or manages a pesticide
13 application business that is engaged in the business of applying pesticides upon the
14 lands of another;
- 15 (18) "Pest control consultant" means any person who, for a fee, offers or supplies
16 technical advice, supervision, or aid, or recommends the use of specific pesticides
17 for the purpose of controlling insect pests, plant diseases, weeds, and other pests;
- 18 (19) "Noncommercial applicator" means any individual employed by golf courses,
19 municipal corporations, public utilities, or other governmental agencies making
20 applications of pesticides to lands owned, occupied, or managed by his or her
21 employer;
- 22 (20) "Wildlife" means all living things that are neither human, domesticated, nor, as
23 defined in this chapter, pests; including, but not limited to mammals, birds, and
24 aquatic life;
- 25 (21) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for
26 shipment, or receive, and, having received, deliver or offer to deliver any pesticides
27 in this state excepting internal distribution within a company or organization;

- 1 (22) "EPA" means the United States Environmental Protection Agency;
- 2 (23) "Label" means the written, printed, or graphic matter on, or attached to, the
3 pesticide or device or to any of its containers or wrappers;
- 4 (24) "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder,
5 adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent
6 intended to be used with any other pesticide as an aid to the application or to the
7 effect of it, and which is in a package or container separate from that of the other
8 pesticide with which it is to be used;
- 9 (25) "Commissioner" means the Commissioner of the Department of Agriculture;
- 10 (26) "Dealer" means any person that engages in the storage of bulk fertilizer or a
11 restricted use pesticide for the purpose of redistribution or direct resale, or engages
12 in the business of applying any pesticide to the lands of another. A "dealer" shall not
13 include a manufacturer of a restricted use pesticide or a fertilizer who distributes his
14 or her product solely to a dealer;
- 15 (27) "Trainee" means an individual who has been employed by a dealer and is working
16 under the direct on-the-job supervision of a licensed operator or applicator;
- 17 (28) "Direct on-the-job supervision" means having a licensed operator or licensed
18 applicator physically on site and directly supervising or training an individual in the
19 application of a pesticide;
- 20 (29) "Branch office" means any location of a dealer other than its designated principal
21 place of business location, but does not include on-premises and off-premises bulk
22 storage or receiving warehouses used solely for the purpose of customer order
23 filling;
- 24 (30) "Applicant" means a person applying for a license or registration under this chapter;
- 25 (31) "Pesticide sales agent" means an individual who sells or distributes restricted use
26 pesticides or an individual who sells and makes recommendations for the use or
27 application of pesticides to the final user;

1 (32) "Limited license" means a license that is issued by the department for
2 noncommercial use, and shall be valid only when an individual is making
3 applications of pesticides to lands owned, occupied, or managed by his or her
4 employer;~~and~~

5 (33) "Certified crop advisor" means an individual who has met the requirements of and
6 has been certified by the Kentucky Certified Crop Advisor Board; and

7 (34) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
8 or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
9 species.

10 ➔Section 14. KRS 224.71-100 is amended to read as follows:

11 As used in KRS 224.71-100 to 224.71-140, unless the context requires otherwise:

12 (1) "Agriculture operation" means any farm operation on a tract of land, including all
13 income-producing improvements and farm dwellings, together with other farm
14 buildings and structures incident to the operation and maintenance of the farm,
15 situated on ten (10) contiguous acres or more of land used for the production of
16 livestock, livestock products, poultry, poultry products, milk, milk products, or
17 silviculture products, or for the growing of crops such as, but not limited to,
18 tobacco, corn, soybeans, small grains, fruit and vegetables; or devoted to and
19 meeting the requirements and qualifications for payments to agriculture programs
20 under an agreement with the state or federal government;

21 (2) "Bad actor" means any person engaged in agriculture operations, who receives
22 written notification of documented water pollution and of the agriculture water
23 quality plan needed to prevent water pollution, and is provided technical assistance,
24 and financial assistance when possible, to implement the agriculture water quality
25 plan, but still refuses or fails to comply with the requirements of the agriculture
26 water quality plan;

27 (3) "Best management practices" means, for agriculture operations, the most effective,

1 practical, and economical means of reducing and preventing water pollution
2 provided by the United States Department of Agriculture Soil Conservation Service
3 and the Soil and Water Conservation Commission. Best management practices shall
4 establish a minimum level of acceptable quality for planning, siting, designing,
5 installing, operating, and maintaining these practices;

6 (4) "Conservation plan" means a plan, provided by the United States Department of
7 Agriculture Soil Conservation Service and the Soil and Water Conservation
8 Commission, describing best land management practices, including an installation
9 schedule and maintenance program, which when completely implemented, will
10 improve and maintain soil, water, and related plant and animal resources of the
11 land;

12 (5) "Compliance plan" means a conservation plan containing best management
13 practices developed for persons engaged in agriculture operations by the United
14 States Department of Agriculture Soil Conservation Services, in conjunction with
15 local conservation districts as required for eligibility under the Federal Food
16 Security Act;

17 (6) "Forest stewardship management plan" means a plan developed by the cabinet's
18 Division of Forestry, the cabinet's Division of Conservation, the Department of Fish
19 and Wildlife Resources, and the United States Department of Agriculture Soil
20 Conservation Service which establishes practices for a person engaged in
21 agriculture operations to manage forest lands in accordance with sound silvicultural
22 principles;

23 (7) "Conservation district" means a subdivision of state government organized pursuant
24 to KRS Chapter 262 for the specific purpose of assisting persons engaged in
25 agriculture operations and land users in solving soil and water resources problems,
26 setting priorities for conservation work to be accomplished, and coordinating the
27 federal, state, and local resources to carry out these programs;

- 1 (8) "Groundwater" means subsurface water occurring in the zone of saturation beneath
 2 the water table and any perched water zones below the B soil horizon;
- 3 (9) "Water priority protection region" means an area specifically delineated where
 4 water pollution from agriculture operations has been scientifically documented;
- 5 (10) "Agriculture water quality plan" means a document incorporating the conservation
 6 plan, compliance plan, or forest stewardship management plan as necessary to
 7 prevent groundwater and surface water pollution from an agriculture operation;
- 8 (11) "Surface water" means those waters having well-defined banks and beds, either
 9 constantly or intermittently flowing; lakes and impounded waters, marshes and
 10 wetlands; and any subterranean waters flowing in well-defined channels and having
 11 a demonstrable hydrologic connection with the surface. Effluent ditches and
 12 lagoons used for waste treatment which are situated on property owned, leased, or
 13 under valid easement by a permitted discharger shall not be considered to be surface
 14 waters of the Commonwealth;~~and~~
- 15 (12) "Soil and Water Conservation Commission" means the commission created in KRS
 16 146.090 for the purpose of administering the organization of conservation districts;
 17 and
- 18 (13) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
 19 or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
 20 species.
- 21 ➔Section 15. KRS 224.71-110 is amended to read as follows:
- 22 (1) The Agriculture Water Quality Authority is created and administratively attached to
 23 the cabinet. The authority shall be a multidiscipline peer group that shall evaluate,
 24 develop, and improve best-management practices in conservation plans, compliance
 25 plans, and forest stewardship management plans; establish statewide and regional
 26 agriculture water quality plans; and otherwise promote soil and water conservation
 27 activities that protect waters of the Commonwealth from the adverse impacts of

1 agriculture operations within the Commonwealth. The cabinet shall provide staff to
2 the authority.

3 (2) Within six (6) months of July 15, 1994, the Soil and Water Conservation
4 Commission shall submit to the Governor for appointment to the Agriculture Water
5 Quality Authority a list of three (3) persons recommended by each of the following
6 state agencies and organizations:

- 7 (a) Kentucky Association of Conservation Districts;
- 8 (b) Kentucky Department of Agriculture;
- 9 (c) University of Kentucky College of Agriculture Cooperative Extension
10 Service;
- 11 (d) Kentucky Farm Bureau Federation, Inc.;
- 12 (e) Division of Conservation, Energy and Environment Cabinet;
- 13 (f) Division of Forestry, Energy and Environment Cabinet;
- 14 (g) Kentucky Geological Survey; and
- 15 (h) Environmental organizations.

16 The membership of the Agriculture Water Quality Authority appointed by the
17 Governor shall consist of one (1) representative from each of the groups identified
18 in paragraphs (a) to (h) of this subsection and three (3) members at large from
19 agriculture operations. The Soil and Water Conservation Commission shall solicit
20 nominations from Kentucky agriculture operations organizations and submit those
21 names to the Governor for selection of the three (3) members at large from
22 agriculture operations. The Governor shall select four (4) members to serve two (2)
23 year initial terms, four (4) members to serve three (3) year initial terms, and three
24 (3) members to serve four (4) year initial terms. All succeeding terms shall be four
25 (4) year terms. A representative from the United States Soil Conservation Service
26 and a representative from the United States Agriculture Stabilization and
27 Conservation Service may also be appointed by the Governor to serve on the

1 authority. One (1) representative each from the Division of Water, Energy and
2 Environment Cabinet and the Division of Public Health Protection and Safety,
3 Cabinet for Health and Family Services shall serve as ex officio members.

4 (3) It shall be the responsibility of the Agriculture Water Quality Authority to establish,
5 at a minimum, the following four (4) committees for agriculture operations, with
6 membership outside the Agriculture Water Quality Authority:

7 (a) Livestock and poultry~~[, including but not limited to, beef, swine, dairy,~~
8 ~~poultry, and equine];~~

9 (b) Crops, including but not limited to, tobacco, corn, soybeans, small grains,
10 fruits and vegetables, pasture and timber;

11 (c) Pesticides, fertilizers, and other agricultural chemicals; and

12 (d) Farmstead issues.

13 (4) The Agriculture Water Quality Authority shall have the following responsibilities:

14 (a) Review water quality data as available;

15 (b) Review university research on water quality and alternative best-management
16 practices research;

17 (c) Evaluate the adoption and effectiveness of best-management practices, and
18 modify best-management practice design standards to improve water quality
19 protection practices;

20 (d) Develop by July 1, 1996, statewide agriculture water quality plans to address
21 identifiable water pollution problems from agriculture operations, and
22 continue to evaluate and modify the agriculture water quality plans, as
23 necessary to prevent water pollution from agriculture operations;

24 (e) Assist with the review of state-funded and other water quality monitoring data
25 and with the establishment of agriculture water priority protection regions;

26 (f) Provide technical assistance to persons engaged in agriculture operations and
27 to the Soil and Water Conservation Commission in its efforts to coordinate

- 1 water quality protection as related to agriculture operations;
- 2 (g) Work with the United States Soil Conservation Service, United States
3 Agriculture Stabilization and Conservation Service, and conservation districts
4 to disseminate to agriculture operations the best-management practices,
5 conservation plans, compliance plans, forest stewardship management plans,
6 and agriculture water quality plans which address the protection of
7 groundwater and surface water;
- 8 (h) Provide the Governor and the Legislative Research Commission with biennial
9 reports of the progress of the Agriculture Water Quality Authority program;
10 and
- 11 (i) Establish procedures for modifications to be incorporated into statewide or
12 regional agriculture water quality plans.
- 13 (5) The cabinet's Division of Water shall approve or disapprove any statewide and
14 regional water quality plan within thirty (30) days of receiving the plan from the
15 Agriculture Water Quality Authority. All provisions of a statewide or regional water
16 quality plan not found deficient shall be approved. If the Division of Water finds
17 any provision of the statewide or regional agriculture water quality plan deficient,
18 the Division of Water shall give written notice to the authority of those provisions
19 found to be deficient. Within the thirty (30) days following the notice of deficiency,
20 the authority shall deliver to the Division of Water a written response setting forth
21 proposed solutions to the deficiencies. Any deficiencies which remain unresolved
22 shall be resolved in a manner agreed to jointly by the Division of Water and the
23 authority within sixty (60) days unless the Division of Water and authority jointly
24 agree to an extension or alternate dispute resolution. The Division of Water shall
25 approve or disapprove all modifications to the statewide and regional plans as set
26 forth at KRS 224.71-120(8).
- 27 ➔Section 16. KRS 247.010 is amended to read as follows:

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

- 2 (1) "Board" means the State Board of Agriculture;
- 3 (2) "Commissioner" means Commissioner of Agriculture;
- 4 (3) "Department" means the Department of Agriculture; and
- 5 (4) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
- 6 or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
- 7 species.

8 ➔Section 17. KRS 249.350 is amended to read as follows:

- 9 (1) As used in this section, unless the context requires otherwise:
- 10 (a) "Commissioner" means that as defined in subsection (1) of Section 249.010 of
- 11 the Kentucky Revised Statutes.
- 12 (b) "Department" means that as defined in subsection (2) of Section 249.010 of
- 13 the Kentucky Revised Statutes.
- 14 (c) "Director" means that as defined in subsection (3) of Section 249.010 of the
- 15 Kentucky Revised Statutes.
- 16 (2) When it appears to the Commissioner that mosquitoes are present in any area of the
- 17 state in sufficient numbers to warrant action, he shall conduct an immediate
- 18 investigation of the causes thereof, and corrective measures necessary. The
- 19 Commissioner shall undertake the control and elimination of mosquitoes in such
- 20 area, utilizing whatever measures appear necessary so long as such methods in no
- 21 wise damage the property of any person, and do not constitute a menace to the
- 22 health of persons or livestock, including cattle, sheep, swine, goats, horses,
- 23 alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine,
- 24 caprine, equine, or camelid species.

25 ➔Section 18. KRS 253.010 is amended to read as follows:

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

- 27 (1) ~~["Animal" means any cattle, horse or mule;~~

1 (2)—] "Board" means the State Board of Agriculture;

2 (2)[(3)] "Brand" means a permanent identification mark of which the letters, numbers
3 and figures used are each three (3) inches or more in length or diameter and are
4 humanly burned into the hide of a live animal with a hot iron or tattoo or caustic
5 chemical substance and is to be considered in relation to its location on the animal
6 and the term relates to both the mark and location;

7 (3)[(4)] "Commissioner" means the Commissioner of Agriculture;

8 (4)[(5)] "Livestock" means *cattle, sheep, swine, goats, horses, alpacas, llamas,*
9 *buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or*
10 *camelid species*[any cattle, horse or mule]; *and*

11 (5)[(6)] "Mark" means a permanent cut identification from the ear of a live animal.

12 ➔Section 19. KRS 253.070 is amended to read as follows:

13 Any peace officer of the state may order funds derived from the sale of *livestock*[an
14 ~~animal~~] of questionable ownership held until ownership is established. If ownership is not
15 established within thirty (30) days, the person holding the funds shall remit them to the
16 board, which shall hold the funds for one (1) year. If the title to the *livestock*[~~animal~~] in
17 question is not ascertained, then the funds shall be deposited in and become a part of the
18 State Department of Agriculture trust fund.

19 ➔Section 20. KRS 253.130 is amended to read as follows:

20 Any person who knowingly places upon any livestock a mark or brand which has not
21 been registered with the board shall, if such mark or brand duplicates one that is
22 registered with the board, be guilty of a misdemeanor. Such duplication shall be the use
23 of a similar brand, used in any position on the *livestock*[~~animal~~] designated for the use of
24 a registered brand, such as the neck, shoulder, rib or hip.

25 ➔Section 21. KRS 253.990 is amended to read as follows:

26 Any person who knowingly alters or defaces the marks or brands on any *livestock*[~~cattle~~]
27 not his own, without the consent of the owner, shall be fined not more than two hundred

1 dollars (\$200), or imprisoned for not more than six (6) months, or both.

2 →Section 22. KRS 256.010 is amended to read as follows:

3 (1) "Lawful fence" means:

4 (a) A strong and sound fence, four (4) feet high, so close that cattle cannot creep
5 through, made of rails, or plank, or wire and plank, or iron, or hedge, or stone
6 or brick; or

7 (b) A ditch three (3) feet deep and three (3) feet broad, with a hedge two (2) feet
8 high or a rail, plank, stone, smooth or barbed wire or brick fence two and one-
9 half (2 1/2) feet high on the margin of the ditch, if the fence is so close that
10 cattle cannot creep through; or

11 (c) A well-constructed gate four (4) feet high so close that cattle cannot creep
12 through, made of wood slats and wood framing or made of metal slats and
13 framing either or both, forming a part of a fence otherwise lawful and entering
14 upon a public road or highway or entering upon a private or public road or
15 passway over the land of another adjacent owner; or

16 (d) A cattle guard not less than eight (8) feet wide and not less than six (6) feet
17 across with a pit not less than two (2) feet six (6) inches deep with iron pipes
18 not less than two (2) nor more than six (6) inches in diameter, iron rails or
19 wooden rails not less than two (2) nor more than four (4) inches across the
20 surface exposed to traffic, and not less than five (5) inches apart, constituting
21 a part of a fence otherwise lawful and entering upon a public road or highway
22 or entering upon a private or public road or passway over the land of another
23 adjacent landowner. Provided, however, the definition or description of a
24 lawful fence or cattle guard in this paragraph (d) shall not apply to the term
25 "cattle guard" as used in KRS 256.150.

26 (2) As used in this chapter, unless the context requires otherwise, "railroad" means the
27 person who owns a right-of-way and owns or controls a railroad in this state that has

1 been in operation for five (5) years.

2 **(3) As used in this chapter, unless the context requires otherwise, "livestock" means**
 3 **cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other**
 4 **animals of the bovine, ovine, porcine, caprine, equine, or camelid species.**

5 ➔Section 23. KRS 256.030 is amended to read as follows:

6 (1) When a division fence exists by agreement, acquiescence or compulsion, under this
 7 section or KRS 256.042, each party shall keep a lawful fence on his portion of the
 8 line. If one party fails to do so, the person failing shall be liable for all the damages
 9 to trees, grass, grain, crops, livestock~~[cattle]~~ or land the other party may sustain
 10 from the trespassing of livestock~~[cattle]~~ over the division fence at the point at which
 11 the party failing was bound to keep in repair.

12 (2) Either party to a division fence shall be liable for damages in case his or her
 13 livestock~~[cattle]~~ break through or pass over the fence at any point the other party is
 14 bound to keep in repair, only if the fence through which the livestock~~[cattle]~~ pass is
 15 a lawful fence.

16 (3) The party damaged shall have a lien on the livestock~~[cattle]~~, as provided in KRS
 17 256.080.

18 ➔Section 24. KRS 256.080 is amended to read as follows:

19 If any livestock~~[cattle]~~ enter into any land over or through a lawful fence, the owner or
 20 manager of the livestock~~[cattle]~~ shall for the first trespass be liable to the owner or
 21 occupant of that land for~~such~~ damages to his or her trees, grass, grain, crops,
 22 livestock~~[cattle]~~ or land as he or she may have sustained by the entry of the
 23 livestock~~[cattle]~~, and for every subsequent trespass by the livestock~~[cattle]~~ of the same
 24 owner, double damages. After giving the owner or manager of the livestock~~[cattle]~~ at
 25 least five (5) days' notice, in writing, of the fact of two (2) previous breaches into the
 26 same enclosure~~[inclosure]~~ by the livestock~~[cattle]~~ of the same owner, the owner or
 27 occupant of the enclosure~~[inclosure]~~ shall have a lien on the livestock~~[cattle]~~ to

1 indemnify him or her on account of any damages sustained by the third or any subsequent
 2 trespasses of those livestock~~[cattle]~~ and may enforce his or her lien by action as in cases
 3 of a mortgage lien.

4 →Section 25. KRS 256.090 is amended to read as follows:

5 If the owner or bailee of livestock~~[cattle]~~ has a lawful fence, and his or her
 6 livestock~~[cattle]~~ break through or over the~~[his]~~ fence and upon the premises of another
 7 which are not enclosed~~[enclosed]~~ by a lawful fence, he or she shall not be responsible for
 8 the first trespass, but shall be liable for all subsequent trespasses.

9 →Section 26. KRS 261.200 is amended to read as follows:

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

11 (1) "Department" means the Kentucky Department of Agriculture;

12 (2) "Commissioner" means the Commissioner of Agriculture;

13 (3) "Board" means the State Board of Agriculture;

14 (4) "Stockyard" means a facility regulated by:

15 (a) The United States Secretary of Agriculture under the Packers and Stockyards
 16 Act, 1921 (42 Stat. 159), as amended, and regulations promulgated under
 17 these statutes by the Secretary of Agriculture; or

18 (b) The department under this chapter and administrative regulations promulgated
 19 under this chapter.

20 A stockyard includes any place, establishment, or facility commonly known as a
 21 stockyard, which is conducted, operated, or managed for profit or nonprofit as a
 22 public market for livestock producers, feeders, market agencies, and buyers,
 23 consisting of pens or other enclosures and their appurtenances, in which livestock
 24 are received, held, or kept for sale or shipment in commerce;

25 (5) "Buying station" means a facility that is conducted, operated, or managed as a
 26 private livestock market that offers stockyard services;

27 (6) "Stockyard services" means services or facilities furnished at a stockyard or buying

1 station in connection with the:

2 (a) Receiving, buying, or selling of livestock in commerce on a commission basis
3 or otherwise; or

4 (b) Marketing, feeding, watering, holding, delivering, shipping, weighing, or
5 handling of livestock in commerce;

6 (7) "Owner or operator" means persons responsible for the operation of each individual
7 stockyard or buying station;

8 (8) "Market agency" means a person engaged in the business of:

9 (a) Buying or selling livestock in commerce on a commission basis; or

10 (b) Furnishing stockyard services;

11 (9) "Livestock dealer" means any person, not a market agency, who:

12 (a) Is regularly engaged in the business of buying or selling livestock in
13 commerce, either on his or her own account or as the employee or agent of the
14 vendor or purchaser; or

15 (b) Owns or operates a buying station; and

16 (10) "Livestock" means cattle, sheep, swine,~~[-or]~~ goats, horses, alpacas, llamas,
17 buffaloes, or other animals of the bovine, ovine, porcine, caprine, equine or
18 camelid species~~[-of all kinds and species].~~

19 ➔Section 27. KRS 262.910 is amended to read as follows:

20 (1) During the term of an easement, the restricted land shall be used solely for the
21 production of crops, livestock and livestock products, and nursery and greenhouse
22 products including the processing or retail marketing of these crops, livestock and
23 livestock products, and nursery and greenhouse products if more than fifty percent
24 (50%) of the processed or merchandised products are produced on the subject land,
25 and for the raising and stabling of horses for commercial purposes. For the purposes
26 of this section and administrative regulations promulgated under its provisions,
27 "crops, livestock and livestock products, and nursery and greenhouse products"

1 include, but are not limited to:

2 (a) Tobacco;

3 (b) Wheat, soybeans, corn, and all commercially-produced fruits and vegetables;

4 (c) Horticultural specialties, including nursery stock ornamental shrubs,
5 ornamental trees, and flowers;

6 (d) Livestock and livestock products, including cattle, sheep, swine, goats,
7 horses, alpacas, llamas, buffaloes, and any other animals of the bovine,
8 ovine, porcine, caprine, equine, or camelid species, poultry, milk, and
9 eggs[~~horses, cattle, poultry, milk, swine, and eggs~~]; and

10 (e) Aquatic plants and animals and their by-products.

11 (2) (a) During the term of an easement the landowner and the landowner's assigns,
12 agents, or leasees shall not perform, nor knowingly allow others to perform,
13 any act on or affecting the restricted land that is inconsistent with the
14 provisions of this section. The landowner shall be deemed to have authorized
15 the PACE board to enforce these provisions.

16 (b) Unless otherwise specified, the landowner shall not be required to take any
17 action to restore the condition of the restricted land after any act of God or
18 other event over which the landowner had no control.

19 (c) Nothing in the PACE Program shall relieve the landowner of any obligation or
20 restriction on the use of the property imposed by law.

21 (d) The Commonwealth shall not locate landfills, sewage treatment plants, or
22 other public service facilities that are not compatible with or complimentary to
23 agricultural production on restricted lands.

24 (3) (a) To retain the agricultural viability of the restricted land, the PACE board shall
25 require, and the owner of the restricted land shall implement, a conservation
26 plan approved by the soil and water conservation district. This plan shall be
27 updated every ten (10) years and any time the basic farming operation

1 conducted on restricted lands is changed. All farming operations shall be
2 conducted substantially in accordance with the plan.

3 (b) In addition to the requirements established by the soil and water conservation
4 district, the conservation plan shall require that:

5 1. The use of the land for growing sod, nursery stock, and ornamental trees
6 and shrubs does not remove excessive soil from the restricted land;

7 2. The excavation of soil, sand, gravel, stone, or other materials for use in
8 agricultural production on the restricted land is consistent with
9 subsection (4)(h) of this section and is conducted in a location and
10 manner that retains the viability of the restricted land for agricultural
11 production; and

12 3. The mining of minerals is consistent with subsection (4)(h) of this
13 section and is conducted only through the use of methods which will not
14 interfere with the viability of the restricted land for agricultural
15 production.

16 (4) The construction or reconstruction of any building or other structure, except those
17 existing on the date of the easement or previously approved by the PACE board, is
18 prohibited except in accordance with this subsection.

19 (a) Existing fences may be repaired and replaced, and new fences may be built
20 anywhere on the restricted land for purposes of reasonable and customary
21 management of livestock and wildlife, without approval of the PACE board.

22 (b) New buildings and other structures and improvements to be used solely for
23 agricultural purposes including the processing or sale of farm products
24 predominantly grown or raised on the restricted land, but not including any
25 dwelling or farm labor housing, may not be built on the restricted land without
26 the advance approval of the PACE board. The PACE board shall give
27 approval within a reasonable time, unless it determines that the proposed

1 building, structure, or improvement would not be properly located or would
2 significantly diminish the agricultural production capacity of the restricted
3 land.

4 (c) All existing single-family residential dwellings may be repaired, reasonably
5 enlarged, and replaced at their current locations without further permission of
6 the PACE board. No new single-family residential dwellings may be built on
7 the restricted land without the advance approval of the PACE board. The
8 PACE board shall give approval within a reasonable time, unless it determines
9 that a proposed dwelling would not be properly located or would significantly
10 diminish the agricultural production capacity of the restricted land.

11 (d) The subdivision of the restricted land, whether by physical or legal process, is
12 prohibited without the advance written approval of the PACE board. The
13 PACE board shall give approval within a reasonable time, unless it determines
14 that the proposed subdivision will diminish or impair the agricultural
15 productivity of the restricted land.

16 (e) The granting of rights-of-way through restricted land for the installation of,
17 transportation of, or use of, lines for water, sewage, electric, telephone, gas,
18 oil or oil products is permitted. The term "granting of rights-of-way" includes
19 the right to construct or install the lines. The construction or installation of
20 utility lines other than the types stated in this paragraph is prohibited on the
21 restricted land.

22 (f) No portion of the restricted land shall be paved or otherwise be covered with
23 concrete, asphalt, gravel, or any other paving material, nor shall any road for
24 access or other purposes be constructed, without the advance written approval
25 of the PACE board. The PACE board shall give approval within a reasonable
26 time, unless it determines that the proposed paving or covering of the soil, or
27 the location of any road, will substantially diminish or impair the agricultural

1 productivity of the restricted land.

2 (g) Trees may be cut to control insects and disease, to prevent personal injury and
3 property damage, and for firewood and other domestic uses, including
4 construction of permitted buildings and fences on the restricted land. Trees
5 may also be cut to clear land for cultivation or use of livestock, but only if
6 done in accordance with the conservation plan required by subsection (3) of
7 this section. Any commercial timber harvesting on the restricted land shall be
8 conducted on a sustainable yield basis and in substantial accordance with a
9 forest management plan prepared by a competent professional forester.

10 (h) The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel or
11 any other mineral substance, using any method that disturbs the surface of the
12 land, is prohibited without the advance written approval of the PACE board.
13 The PACE board shall give approval within a reasonable time, unless it
14 determines that the proposed mining or extraction will substantially diminish
15 or impair the agricultural productivity of the restricted land.

16 (i) The dumping or accumulation of any kind of trash or refuse on the restricted
17 land is prohibited. However, this shall not prevent the storage of agricultural
18 products and by-products on the restricted land, so long as it is done in
19 accordance with all applicable laws, administrative regulations, and
20 ordinances.

21 (j) Golf courses are prohibited on the restricted land. Buildings and facilities for
22 any other public or private recreational use may not be built on the restricted
23 land without the advance written approval of the PACE board. The PACE
24 board shall not give approval unless it determines that the proposed use or
25 facilities will not substantially diminish or impair the agricultural productivity
26 of the restricted land.

27 (5) Landowners shall retain the right to perform any act not specifically prohibited or

1 limited by this section and administrative regulations promulgated under its
2 provisions. These ownership rights include, but are not limited to, the right to
3 exclude any member of the public from trespassing on the restricted land and the
4 right to sell or otherwise transfer the restricted land to anyone of the landowner's
5 choice.

6 ➔Section 28. KRS 281.605 is amended to read as follows:

7 The provisions of this chapter shall not apply, except as to safety regulations, to:

- 8 (1) Motor vehicles used as school buses and while engaged in the transportation of
9 students, under the supervision and control and at the direction of school
10 authorities;
- 11 (2) Except as provided in paragraph (e) of this subsection, motor vehicles, regardless of
12 ownership, used exclusively:
- 13 (a) For the transportation of agricultural and dairy products, including fruit,
14 livestock, meats, fertilizer, wood, lumber, cotton, products of grove or
15 orchard, poultry, and eggs, while owned by the producer of the products,
16 including landlord where the relation of landlord and tenant or landlord and
17 cropper is involved, from the farm to a market, warehouse, dairy, or mill, or
18 from one (1) market, warehouse, dairy, or mill to another market, warehouse,
19 dairy, or mill. As used in this paragraph and in paragraph (b) of this
20 subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas,
21 llamas, buffaloes, or any other animals of the bovine, ovine, porcine,
22 caprine, equine, or camelid species;
- 23 (b) For the transportation of agricultural and dairy products, livestock, farm
24 machinery, feed, fertilizer, and other materials and supplies essential to farm
25 operation, from market or shipping terminal to farm;
- 26 (c) For both the purposes described in paragraphs (a) and (b) of this subsection;
- 27 (d) For the transportation of agricultural and dairy products from farm to regularly

- 1 organized fairs and exhibits and return; or
- 2 (e) Motor vehicles used for the transportation of fly ash, in bags, sacks, or other
3 containers, the aggregate weight of which does not exceed ten thousand
4 (10,000) pounds; or bottom ash, waste ash, sludge, and pozatec which is being
5 removed from the premises of a power generator facility for the purpose of
6 disposal;
- 7 (3) Motor vehicles used exclusively as church buses and while operated in the
8 transportation of persons to and from a church or place of worship or for other
9 religious work under the supervision and control and at the direction of church
10 authorities;
- 11 (4) Motor vehicles used exclusively for the transportation of property belonging to a
12 nonprofit cooperative association or its members where the vehicle is owned or
13 leased exclusively by the association;
- 14 (5) Motor vehicles owned in whole or in part by any person and used by such person to
15 transport commodities of which such person is the bona fide owner, lessee,
16 consignee, or bailee; provided, however, that such transportation is for the purpose
17 of sale, lease, rent, or bailment, and is an incidental adjunct to an established private
18 business owned and operated by such person within the scope and in furtherance of
19 any primary commercial enterprise of such person other than the business of
20 transportation of property for hire;
- 21 (6) Motor vehicles used in pick-up or delivery service within a city or within a city and
22 its commercial area for a carrier by rail;
- 23 (7) Motor vehicles used exclusively for the transportation of coal from the point at
24 which such coal is mined to a railhead or tipple where the railhead or tipple is
25 located at a point not more than fifty (50) air miles from the point at which the coal
26 is mined;
- 27 (8) Motor vehicles used as ambulances in transporting wounded, injured, or sick

- 1 animals or as ambulances as defined in KRS 311A.010;
- 2 (9) Motor vehicles used by transit authorities as created and defined in KRS Chapter
3 96A except as required by KRS 96A.170. Vehicles operated under the authority and
4 direct responsibility of such transit authorities, through contractual agreement, shall
5 be included within this exemption, without regard to the legal ownership of the
6 vehicles, but only for such times as they are operated under the authority and
7 responsibility of the transit authority;
- 8 (10) Motor vehicles having a seating capacity of fifteen (15) or fewer passengers and
9 while transporting persons between their places of residence, on the one hand, and,
10 on the other, their places of employment, provided the driver himself is on his way
11 to or from his place of employment, and further provided that any person who
12 operates or controls the operation of vehicles hereunder of which said person is the
13 owner or lessee, and any spouse of said person and any partnership or corporation
14 with said person or his spouse having an interest therein doing such, shall be
15 eligible to so operate an aggregate number of not more than one (1) vehicle on other
16 than a nonprofit basis;
- 17 (11) Motor vehicles used to transport cash letters, data processing material, instruments,
18 or documents, regardless of the ownership of any of said cash letters, data
19 processing material, instruments, or documents;
- 20 (12) Motor vehicles operated by integrated intermodal small package carriers who
21 provide intermodal-air-and-ground-transportation. For the purposes of this section,
22 "integrated intermodal small package carrier" shall mean an air carrier holding a
23 certificate or qualifying as an indirect air carrier that undertakes, by itself or through
24 a company affiliated through common ownership, to provide intermodal-air-and-
25 ground-transportation, and "intermodal-air-and-ground-transportation" shall mean
26 transportation involving the carriage of articles weighing not more than one hundred
27 fifty (150) pounds by aircraft or other forms of transportation, including by motor

- 1 vehicle, wholly within the Commonwealth of Kentucky. The incidental or
 2 occasional use of aircraft in transporting packages or articles shall not constitute an
 3 integrated intermodal operation within the meaning of this section;
- 4 (13) Motor vehicles operated pursuant to a grant of funds in furtherance of and governed
 5 by 49 U.S.C. secs. 5310 or 5311, including all amendments, and whose operators
 6 have jurisdictions and services approved annually by the Transportation Cabinet in
 7 accordance with 49 C.F.R. Title VI;
- 8 (14) Motor vehicles used to transport children to educational events or conservation
 9 camps run by, or sponsored by, the Department of Fish and Wildlife;
- 10 (15) Motor vehicles used to transport children to events or camps run by, or sponsored
 11 by, the Kentucky Sheriffs Association; or
- 12 (16) (a) Motor vehicles used in the transportation of persons who are sixty (60) years
 13 of age or older or who are visually impaired, if the motor vehicles are owned
 14 by a nonprofit organization or being used on behalf of a nonprofit
 15 organization that is exempt from federal income tax under Section 501(c)(3)
 16 of the Internal Revenue Code.
- 17 (b) Motor vehicles owned and operated by a nonprofit organization that are
 18 exempt under this subsection shall be subject to liability insurance coverage as
 19 established by KRS 281.655.
- 20 (c) Motor vehicles owned privately but operated on behalf of a nonprofit
 21 organization that are exempt under this subsection shall be subject to liability
 22 insurance coverage as established by KRS 304.39-110.

23 ➔Section 29. KRS 433.255 is amended to read as follows:

24 When in any community of the state there have been repeated or aggravated instances of
 25 larceny of livestock~~[cattle]~~, the Governor may offer a reward for the apprehension and
 26 conviction of any person guilty of larceny of livestock~~[cattle]~~, as defined in Section 30 of
 27 this Act~~[KRS 446.010]~~, in such community, and in his or her discretion may employ

1 detectives, not exceeding two (2) at any one (1) time, for the ferreting out, apprehension,
2 and conviction of any offender. The reward may be in any sum fixed by the Governor, not
3 exceeding \$1,000. The Governor shall by executive proclamation designate the
4 boundaries of the community to which the reward shall apply. The reward shall be paid
5 out of the Governor's general emergency fund.

6 ➔Section 30. KRS 446.010 is amended to read as follows:

7 As used in the statute laws of this state, unless the context requires otherwise:

- 8 (1) "Action" includes all proceedings in any court of this state;
- 9 (2) "Animal" includes every warm-blooded living creature except a human being;
- 10 (3) "Attorney" means attorney-at-law;
- 11 (4) "Bequeath" and "devise" mean the same thing;
- 12 (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal
13 estate, or both;
- 14 (6) "Business trust" includes, except when utilized in KRS Chapter 386, a "statutory
15 trust" as organized under KRS Chapter 386A;
- 16 (7) "Case plan" means an individualized accountability and behavior change strategy
17 for supervised individuals that:
- 18 (a) Targets and prioritizes the specific criminal risk factors of the individual
19 based upon his or her assessment results;
- 20 (b) Matches the type and intensity of supervision and treatment conditions to the
21 individual's level of risk, criminal risk factors, and individual characteristics,
22 such as gender, culture, motivational stage, developmental stage, and learning
23 style;
- 24 (c) Establishes a timetable for achieving specific behavioral goals, including a
25 schedule for payment of victim restitution, child support, and other financial
26 obligations; and
- 27 (d) Specifies positive and negative actions that will be taken in response to the

1 supervised individual's behaviors;

2 ~~(8) "Cattle" includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex;~~

3 ~~(9)~~ "Certified mail" means any method of governmental, commercial, or electronic
4 delivery that allows a document or package to have proof of:

5 (a) Sending the document or package;

6 (b) The date the document or package was delivered or delivery was attempted;

7 and

8 (c) The signature of the receipt of the document or package;

9 ~~(9)~~~~(10)~~ "Company" may extend and be applied to any corporation, company, person,
10 partnership, joint stock company, or association;

11 ~~(10)~~~~(11)~~ "Corporation" may extend and be applied to any corporation, company,
12 partnership, joint stock company, or association;

13 ~~(11)~~~~(12)~~ "Criminal risk factors" are characteristics and behaviors that, when addressed
14 or changed, affect a person's risk for committing crimes. The characteristics may
15 include but are not limited to the following risk and criminogenic need factors:
16 antisocial behavior; antisocial personality; criminal thinking; criminal associates;
17 dysfunctional family; low levels of employment or education; poor use of leisure
18 and recreation; and substance abuse;

19 ~~(12)~~~~(13)~~ "Cruelty" as applied to animals includes every act or omission whereby
20 unjustifiable physical pain, suffering, or death is caused or permitted;

21 ~~(13)~~~~(14)~~ "Directors," when applied to corporations, includes managers or trustees;

22 ~~(14)~~~~(15)~~ "Domestic," when applied to a corporation, partnership, business trust, or
23 limited liability company, means all those incorporated or formed by authority of
24 this state;

25 ~~(15)~~~~(16)~~ "Domestic animal" means any animal converted to domestic habitat;

26 ~~(16)~~~~(17)~~ "Evidence-based practices" means policies, procedures, programs, and
27 practices proven by scientific research to reliably produce reductions in recidivism

1 when implemented competently;

2 ~~(17)~~~~(18)~~ "Federal" refers to the United States;

3 ~~(18)~~~~(19)~~ "Foreign," when applied to a corporation, partnership, limited partnership,
4 business trust, statutory trust, or limited liability company, includes all those
5 incorporated or formed by authority of any other state;

6 ~~(19)~~~~(20)~~ "Generally accepted accounting principles" are those uniform minimum
7 standards of and guidelines to financial accounting and reporting as adopted by the
8 National Council on Governmental Accounting, under the auspices of the
9 Municipal Finance Officers Association and by the Financial Accounting Standards
10 Board, under the auspices of the American Institute of Certified Public
11 Accountants;

12 ~~(20)~~~~(21)~~ "Graduated sanction" means any of a wide range of accountability measures
13 and programs for supervised individuals, including but not limited to electronic
14 monitoring; drug and alcohol testing or monitoring; day or evening reporting
15 centers; restitution centers; disallowance of future earned compliance credits;
16 rehabilitative interventions such as substance abuse or mental health treatment;
17 reporting requirements to probation and parole officers; community service or work
18 crews; secure or unsecure residential treatment facilities or halfway houses; and
19 short-term or intermittent incarceration;

20 ~~(21)~~~~(22)~~ "Humane society," "society," or "Society for the Prevention of Cruelty to
21 Animals," means any nonprofit corporation, organized under the laws of this state
22 and having as its primary purpose the prevention of cruelty to animals;

23 ~~(22)~~~~(23)~~ "Issue," as applied to the descent of real estate, includes all the lawful lineal
24 descendants of the ancestors;

25 ~~(23)~~~~(24)~~ "Land" or "real estate" includes lands, tenements, and hereditaments and all
26 rights thereto and interest therein, other than a chattel interest;

27 ~~(24)~~~~(25)~~ "Legatee" and "devisee" convey the same idea;

- 1 **(25) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,**
2 **or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid**
3 **species;**
- 4 (26) "May" is permissive;
- 5 (27) "Month" means calendar month;
- 6 (28) "Oath" includes "affirmation" in all cases in which an affirmation may be
7 substituted for an oath;
- 8 (29) "Owner" when applied to any animal, means any person having a property interest
9 in such animal;
- 10 (30) "Partnership" includes both general and limited partnerships;
- 11 (31) "Peace officer" includes sheriffs, constables, coroners, jailers, metropolitan and
12 urban-county government correctional officers, marshals, policemen, and other
13 persons with similar authority to make arrests;
- 14 (32) "Penitentiary" includes all of the state penal institutions except the houses of
15 reform;
- 16 (33) "Person" may extend and be applied to bodies-politic and corporate, societies,
17 communities, the public generally, individuals, partnerships, joint stock companies,
18 and limited liability companies;
- 19 (34) "Personal estate" includes chattels, real and other estate that passes to the personal
20 representative upon the owner dying intestate;
- 21 (35) "Pretrial risk assessment" means an objective, research-based, validated assessment
22 tool that measures a defendant's risk of flight and risk of anticipated criminal
23 conduct while on pretrial release pending adjudication;
- 24 (36) "Registered mail" means any governmental, commercial, or electronic method of
25 delivery that allows a document or package to have:
- 26 (a) Its chain of custody recorded in a register to enable its location to be tracked;
- 27 (b) Insurance available to cover its loss; and

- 1 (c) The signature of the recipient of the document or package available to the
2 sender;
- 3 (37) "Regular election" means the election in even-numbered years at which members of
4 Congress are elected and the election in odd-numbered years at which state officers
5 are elected;
- 6 (38) "Risk and needs assessment" or "validated risk and needs assessment" means an
7 actuarial tool scientifically proven to determine a person's risk to reoffend and
8 criminal risk factors, that when properly addressed, can reduce that person's
9 likelihood of committing future criminal behavior;
- 10 (39) "Shall" is mandatory;
- 11 (40) "State" when applied to a part of the United States, includes territories, outlying
12 possessions, and the District of Columbia; "any other state" includes any state,
13 territory, outlying possession, the District of Columbia, and any foreign government
14 or country;
- 15 (41) "State funds" or "public funds" means sums actually received in cash or negotiable
16 instruments from all sources unless otherwise described by any state agency, state-
17 owned corporation, university, department, cabinet, fiduciary for the benefit of any
18 form of state organization, authority, board, bureau, interstate compact,
19 commission, committee, conference, council, office, or any other form of
20 organization whether or not the money has ever been paid into the Treasury and
21 whether or not the money is still in the Treasury if the money is controlled by any
22 form of state organization, except for those funds the management of which is to be
23 reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605,
24 and 42.615;
- 25 (42) "Supervised individual" means an individual placed on probation by a court or
26 serving a period of parole or post-release supervision from prison or jail;
- 27 (43) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted

1 for an oath;

2 (44) "Treatment" when used in a criminal justice context, means targeted interventions
3 that focus on criminal risk factors in order to reduce the likelihood of criminal
4 behavior. Treatment options may include but shall not be limited to community-
5 based programs that are consistent with evidence-based practices; cognitive-
6 behavioral programs; faith-based programs; inpatient and outpatient substance
7 abuse or mental health programs; and other available prevention and intervention
8 programs that have been scientifically proven to produce reductions in recidivism
9 when implemented competently. "Treatment" does not include medical services;

10 (45) "United States" includes territories, outlying possessions, and the District of
11 Columbia;

12 (46) "Vacancy in office," or any equivalent phrase, means such as exists when there is an
13 unexpired part of a term of office without a lawful incumbent therein, or when the
14 person elected or appointed to an office fails to qualify according to law, or when
15 there has been no election to fill the office at the time appointed by law; it applies
16 whether the vacancy is occasioned by death, resignation, removal from the state,
17 county or district, or otherwise;

18 (47) "Violate" includes failure to comply with;

19 (48) "Will" includes codicils; "last will" means last will and testament;

20 (49) "Year" means calendar year;

21 (50) "City" includes town;

22 (51) Appropriation-related terms are defined as follows:

23 (a) "Appropriation" means an authorization by the General Assembly to expend,
24 from public funds, a sum of money not in excess of the sum specified, for the
25 purposes specified in the authorization and under the procedure prescribed in
26 KRS Chapter 48;

27 (b) "Appropriation provision" means a section of any enactment by the General

1 Assembly which is not provided for by KRS Chapter 48 and which authorizes
2 the expenditure of public funds other than by a general appropriation bill;

3 (c) "General appropriation bill" means an enactment by the General Assembly
4 that authorizes the expenditure of public funds in a branch budget bill as
5 provided for in KRS Chapter 48;

6 (52) "Mediation" means a nonadversarial process in which a neutral third party
7 encourages and helps disputing parties reach a mutually acceptable agreement.
8 Recommendations by mediators are not binding on the parties unless the parties
9 enter into a settlement agreement incorporating the recommendations;

10 (53) "Biennium" means the two (2) year period commencing on July 1 in each even-
11 numbered year and ending on June 30 in the ensuing even-numbered year;

12 (54) "Branch budget bill" or "branch budget" means an enactment by the General
13 Assembly which provides appropriations and establishes fiscal policies and
14 conditions for the biennial financial plan for the judicial branch, the legislative
15 branch, and the executive branch, which shall include a separate budget bill for the
16 Transportation Cabinet;

17 (55) "AVIS" means the automated vehicle information system established and
18 maintained by the Transportation Cabinet to collect titling and registration
19 information on vehicles and boats and information on holders of motor vehicle
20 operator's licenses and personal identification cards; and

21 (56) "Cooperative," except in KRS Chapter 272, includes a limited cooperative
22 association.