

GENERAL ASSEMBLY ACTION

Regular Session 1994



Informational Bulletin No. 190
Legislative Research Commission
Frankfort, Kentucky

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

JOHN A. "ECK" ROSE
Senate President

JOE CLARKE
House Speaker

Chairmen

Senate Members

CHARLES W. BERGER
President Pro Tem

DAVID K. KAREM
Majority Floor Leader

JOHN D. ROGERS
Minority Floor Leader

NICK KAFOGLIS
Majority Caucus Chairman

TOM BUFORD
Minority Caucus Chairman

FRED BRADLEY
Majority Whip

CHARLIE BORDERS
Minority Whip

House Members

LARRY CLARK
Speaker Pro Tem

GREGORY D. STUMBO
Majority Floor Leader

TOM JENSEN
Minority Floor Leader

JODY RICHARDS
Majority Caucus Chairman

CLARENCE NOLAND
Minority Caucus Chairman

KENNY RAPIER
Majority Whip

DANNY FORD
Minority Whip

VIC HELLARD, JR, Director

* * * * *

The Kentucky Legislative Research Commission is a sixteen member committee, comprised of the majority and minority leadership of the Kentucky Senate and House of Representatives. Under Chapter 7 of the Kentucky Revised Statutes, the Commission constitutes the administrative office for the Kentucky General Assembly. Its director serves as chief administrative officer of the Legislature when it is not in session.

The Commission and its staff, by law and by practice, perform numerous fact-finding and service functions for members of the General Assembly. The Commission provides professional, clerical and other employees required by legislators when the General Assembly is in session and during the interim period between sessions. These employees, in turn, assist committees and individual members in preparing legislation. Other services include conducting studies and investigations, organizing and staffing committee meetings and public hearings, maintaining official legislative records and other reference materials, furnishing information about the Legislature to the public, compiling and publishing administrative regulations, administering a legislative intern program, conducting a pre-session orientation conference for legislators, and publishing a daily index of legislative activity during sessions of the General Assembly.

The Commission is also responsible for statute revision, publication and distribution of the *Acts* and *Journals* following sessions of the General Assembly and for maintaining furnishings, equipment and supplies for the Legislature.

The Commission functions as Kentucky's Commission on Interstate Cooperation in carrying out the program of the Council of State Governments as it relates to Kentucky.

GENERAL ASSEMBLY ACTION
Regular Session 1994

A Staff Summary of Legislative Enactments

Informational Bulletin No. 190

Legislative Research Commission
Frankfort, Kentucky
May, 1994

FOREWORD

The 1994 Regular Session of the General Assembly convened Tuesday, January 4, 1994, and adjourned sine die Friday, April 15, 1994, having met for sixty legislative days. During this session, 1,309 bills and 263 resolutions were introduced, including 367 Senate bills and 942 House bills.

Of the bills introduced, 146 Senate bills and 313 House bills passed both chambers and were delivered to the Governor. The Governor vetoed one Senate bill (SB 29) and the executive branch budget bill (HB 302). Neither of the Governor's vetoes were overridden.

In addition, one Senate bill proposing a constitutional amendment was enacted and transmitted directly to the Secretary of State. Therefore, a total of 146 Senate bills and 312 House bills became law.

The Governor also received 54 joint and concurrent resolutions.

This informational bulletin summarizes the bills and resolutions which were delivered to the Governor and the Secretary of State. It has been prepared by the staff of the Legislative Research Commission.

VIC HELLARD, JR.
Director

The Capitol
Frankfort, Kentucky
May, 1994

**BILL NUMBER TO ACTS CHAPTER
1994 REGULAR SESSION**

Bill no.	Act ch.	Bill no.	Acts ch.	Bill no.	Acts ch.	Bill no.	Acts ch.
SB 1	482	SB 106	51	SB 201	188	SB 337	397
SB 2	35	SB 107	470	SB 205	455	SB 343	356
SB 4	48	SB 112	471	SB 206	187	SB 344	357
SB 10	1	SB 119	486	SB 208	172	SB 346	199
SB 12	36	SB 120	29	SB 213	179	SB 348	497
SB 13	447	SB 128	118	SB 214	488	SB 351	478
SB 15	159	SB 131	192	SB 221	456	SB 361	358
SB 22	53	SB 132	255	SB 222	489	SB 367	359
SB 24	163	SB 133	254	SB 225	250	SCR 44	69
SB 27	49	SB 136	253	SB 228	186	SCR 74	360
SB 33	448	SB 137	140	SB 234	457	SCR 84	362
SB 37	96	SB 138	146	SB 237	203	SCR 86	270
SB 39	398	SB 140	175	SB 241	182	SJR 10	198
SB 40	91	SB 141	468	SB 242	234	SJR 13	52
SB 43	392	SB 142	90	SB 243	249	SJR 27	67
SB 44	15	SB 146	195	SB 245	458	SJR 51	197
SB 45	177	SB 147	112	SB 246	352	SJR 68	271
SB 47	477	SB 148	174	SB 248	204	SJR 82	361
SB 50	483	SB 150	467	SB 249	178	HB 3	8
SB 51	484	SB 151	466	SB 255	490	HB 4	43
SB 52	349	SB 153	465	SB 256	168	HB 6	386
SB 53	194	SB 154	274	SB 258	491	HB 7	59
SB 55	476	SB 157	252	SB 262	393	HB 9	167
SB 60	26	SB 158	173	SB 266	459	HB 13	54
SB 61	475	SB 159	119	SB 267	202	HB 14	70
SB 67	131	SB 160	120	SB 268	460	HB 18	71
SB 70	124	SB 161	121	SB 270	454	HB 19	19
SB 73	125	SB 162	464	SB 271	492	HB 31	60
SB 74	277	SB 164	350	SB 277	508	HB 32	449
SB 75	176	SB 167	122	SB 278	493	HB 33	5
SB 76	474	SB 168	463	SB 280	201	HB 35	21
SB 77	115	SB 170	351	SB 281	394	HB 36	87
SB 78	165	SB 171	481	SB 284	495	HB 40	20
SB 80	473	SB 172	251	SB 287	496	HB 41	246
SB 81	485	SB 174	123	SB 289	353	HB 43	2
SB 85	111	SB 175	191	SB 301	200	HB 45	100
SB 86	113	SB 177	190	SB 303	273	HB 46	400
SB 87	155	SB 180	462	SB 305	363	HB 47	132
SB 88	472	SB 184	389	SB 307	453	HB 48	327
SB 89	193	SB 185	461	SB 308	494	HB 49	14
SB 91	50	SB 186	189	SB 311	235	HB 50	25
SB 92	256	SB 187	171	SB 314	354	HB 51	32
SB 93	469	SB 188	399	SB 316	480	HB 52	23
SB 98	116	SB 193	196	SB 319	452	HB 56	401
SB 99	117	SB 195	487	SB 320	272	HB 58	402
SB 100	276	SB 199	275	SB 331	355	HB 62	97

Bill no.	Acts ch.	Bill no.	Acts ch.	Bill no.	Acts ch.	Bill no.	Acts ch.
HB 64	262	HB 208	42	HB 325	37	HB 459	418
HB 68	6	HB 211	247	HB 327	411	HB 462	229
HB 71	205	HB 215	39	HB 328	74	HB 466	101
HB 72	7	HB 218	72	HB 334	382	HB 469	329
HB 74	18	HB 222	139	HB 335	289	HB 472	330
HB 75	3	HB 223	207	HB 336	240	HB 474	151
HB 79	83	HB 225	243	HB 337	133	HB 479	217
HB 80	4	HB 231	314	HB 338	311	HB 481	419
HB 81	9	HB 232	309	HB 339	134	HB 482	331
HB 84	263	HB 234	310	HB 341	135	HB 483	390
HB 85	58	HB 238	16	HB 347	46	HB 484	420
HB 88	44	HB 239	244	HB 348	47	HB 485	183
HB 91	103	HB 242	95	HB 349	164	HB 488	422
HB 93	33	HB 243	63	HB 355	228	HB 490	230
HB 95	264	HB 244	22	HB 357	185	HB 494	318
HB 96	94	HB 250	512	HB 358	412	HB 497	319
HB 99	65	HB 256	408	HB 359	30	HB 499	332
HB 103	10	HB 257	208	HB 360	89	HB 500	152
HB 106	11	HB 258	209	HB 365	86	HB 501	238
HB 107	45	HB 259	210	HB 368	328	HB 505	231
HB 113	64	HB 260	499	HB 377	241	HB 508	109
HB 115	265	HB 261	211	HB 379	162	HB 511	450
HB 121	12	HB 262	212	HB 380	312	HB 512	154
HB 122	13	HB 263	213	HB 385	413	HB 513	423
HB 123	38	HB 264	214	HB 386	114	HB 514	218
HB 125	34	HB 266	215	HB 387	239	HB 517	502
HB 127	316	HB 267	216	HB 388	395	HB 519	333
HB 128	40	HB 268	227	HB 390	396	HB 522	180
HB 135	88	HB 269	105	HB 395	169	HB 526	156
HB 136	84	HB 276	269	HB 398	414	HB 527	150
HB 140	68	HB 282	500	HB 399	415	HB 528	149
HB 152	384	HB 284	138	HB 400	62	HB 529	161
HB 154	41	HB 294	28	HB 401	110	HB 531	317
HB 157	55	HB 297	106	HB 402	421	HB 533	503
HB 158	403	HB 298	56	HB 405	290	HB 534	136
HB 166	31	HB 299	409	HB 408	313	HB 538	237
HB 171	315	HB 300	385	HB 414	383	HB 539	267
HB 173	61	HB 301	388	HB 417	416	HB 546	248
HB 175	206	HB 307	85	HB 420	104	HB 547	219
HB 176	98	HB 308	288	HB 421	145	HB 551	232
HB 183	266	HB 309	73	HB 426	92	HB 553	293
HB 185	27	HB 310	57	HB 427	93	HB 555	334
HB 186	307	HB 311	381	HB 432	291	HB 558	236
HB 187	404	HB 312	391	HB 436	147	HB 561	224
HB 190	308	HB 315	245	HB 442	417	HB 562	424
HB 191	242	HB 316	143	HB 445	160	HB 565	233
HB 200	405	HB 318	221	HB 448	99	HB 567	158
HB 203	406	HB 319	144	HB 449	153	HB 568	294
HB 205	407	HB 320	166	HB 452	141	HB 569	451
HB 206	66	HB 321	142	HB 455	501	HB 570	226
HB 207	498	HB 322	410	HB 458	292	HB 571	321

Bill no.	Acts ch.	Bill no.	Acts ch.	Bill no.	Acts ch.
HB 573	295	HB 776	259	HCR 99	442
HB 576	220	HB 787	305	HCR 100	441
HB 579	126	HB 788	286	HCR 101	443
HB 580	335	HB 798	506	HCR 102	444
HB 591	127	HB 810	436	HCR 103	445
HB 613	425	HB 814	374	HCR 104	446
HB 616	296	HB 815	375	HCR 108	348
HB 618	297	HB 826	376	HJR 3	223
HB 622	426	HB 830	435	HJR 5	17
HB 628	427	HB 851	434	HJR 13	24
HB 629	298	HB 852	306	HJR 23	257
HB 631	336	HB 855	377	HJR 26	82
HB 632	364	HB 863	279	HJR 27	507
HB 633	365	HB 864	437	HJR 28	510
HB 639	504	HB 871	378	HJR 29	509
HB 643	366	HB 875	379	HJR 50	148
HB 645	261	HB 888	387	HJR 52	137
HB 646	268	HB 889	278	HJR 62	283
HB 647	428	HB 890	380	HJR 66	284
HB 648	299	HB 891	479	HJR 81	285
HB 649	320	HB 893	280	HJR 82	339
HB 650	157	HB 898	438	HJR 91	340
HB 651	322	HB 900	439		
HB 652	260	HB 912	287		
HB 653	367	HB 913	440		
HB 656	368	HB 922	337		
HB 660	130	HB 928	181		
HB 661	128	HB 929	338		
HB 664	429	HB 931	184		
HB 681	430	HCR 24	75		
HB 683	326	HCR 25	76		
HB 684	431	HCR 33	341		
HB 685	369	HCR 34	77		
HB 704	325	HCR 35	78		
HB 705	300	HCR 36	107		
HB 707	301	HCR 37	511		
HB 710	302	HCR 38	79		
HB 712	432	HCR 39	80		
HB 713	324	HCR 40	81		
HB 715	170	HCR 41	225		
HB 719	258	HCR 42	343		
HB 721	222	HCR 43	108		
HB 733	370	HCR 47	102		
HB 737	303	HCR 49	281		
HB 738	371	HCR 53	129		
HB 741	505	HCR 60	282		
HB 742	323	HCR 63	342		
HB 744	372	HCR 74	344		
HB 760	373	HCR 90	345		
HB 762	304	HCR 95	346		
HB 775	433	HCR 96	347		

SENATE BILLS

SB 1

AN ACT relating to candidates in a regular election and declaring an emergency.

Amends KRS 118.105 to permit the governing authority of each political party to nominate candidates for the regular election if a vacancy in an unopposed candidacy occurs not later than the second Thursday before the election and to require write-in voting if the vacancy occurs after that date; amends KRS 118.305 to provide for reprinting the ballot if it cannot accommodate the replacement candidate, require the use of supplemental paper ballots if there is too little time to reprint the entire ballot, prohibit counting of votes cast by means other than on the reprinted ballots or the supplemental paper ballots, and require any party replacing a vacating candidate to pay the costs of any ballot reprinting or the printing of supplemental paper ballots; EMERGENCY.

SB 2

AN ACT relating to the Kentucky Higher Education Student Loan Corporation and declaring an emergency.

Amends KRS 164A.020 to change the definition of insured student loans to require that they be at least 98% insured; requires General Assembly approval for the issuance of any bonds or notes not 98% insured; amends KRS 164A.080 to conform; EMERGENCY.

SB 4

AN ACT relating to the jurisdiction of police officers in cities of the fourth class.

Creates new section of KRS Chapter 95 to grant police in cities of the 1st through 5th classes county-wide jurisdiction; limits the authority of police in cities of the 6th class to the corporate boundaries of the city or real property owned by the city, and permits city police officers to receive service fees as prescribed, but require payment of the fees into the city treasury; repeals KRS 95.150, 95.510, 95.515, 95.740, and 95.786.

SB 10

AN ACT relating to the General Assembly and declaring an emergency.

Amends KRS 6.211 to reduce the session allowance from \$75 per day to 110% of the expense allowance paid federal employees traveling in the Frankfort, Kentucky, area; EMERGENCY.

SB 12

AN ACT relating to the college access program.

Creates a new section of KRS Chapter 164 to authorize the Kentucky Higher Education Assistance Authority to award college access program grants to financially needy part-time and full-time undergraduate students enrolled or accepted for enrollment at participating institutions; eligible institutions include colleges, business schools, schools of nursing or vocational schools located within the Commonwealth; extends eligibility for college access program grants to students enrolled in vocational schools in two-year programs.

SB 13

AN ACT relating to state agencies and declaring an emergency.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 164.740 to define "insured student loan" as a loan to an eligible borrower qualified under the federal act; defines "loan guarantee" as the certificate, document, or endorsement issued by the authority as evidence of issuance of a loan; amends KRS 164.748 to direct the Kentucky Higher Education Assistance Authority to purchase personal liability insurance for board members and employees; allows board members or hearing officers to issue administrative subpoenas; provides upon termination of the TIAA retirement program, health insurance premiums and benefits to members, as provided to those in the state-administered retirement program; and delegates to the Executive Director general supervision and direction over the administrative function of the authority in carrying out the policies, programs, administrative regulations, and directives of the board; amends KRS 164.005, relating to the Governor's Higher Education Nominating Committee; to require the committee to make nominations for gubernatorial appointments to the Kentucky Authority for Educational Television, the Kentucky Higher Education Assistance Authority and the Kentucky Higher Education Student Loan Corporation; amends KRS 164.746 and 164A.050 relating to the Kentucky Higher Education Assistance Authority and the Kentucky Higher Education Student Loan Corporation as amended in Senate Bill 40, to make the appointment process applicable to future appointments, as opposed to abolishing and re-establishing the governing bodies; EMERGENCY.

SB 15

AN ACT relating to superintendent screening committees, and declaring an emergency.

Amends KRS 160.352 to define the term "minority"; requires minority member to be elected to superintendent screening committees in districts with a minority population of eight percent (8%) or more as determined by the enrollment on the preceding October 1; EMERGENCY.

SB 22

AN ACT relating to bonds.

Amends KRS 56.870 to require statements regarding the obligation of the Commonwealth to appear on notes, bonds, and all materials issued in relation thereto; amends KRS 164A.020 to change guarantee requirements for student loans; amends KRS 164A.080 and 198A.090 to change guarantee requirements; and to provide that bonds not so guaranteed be approved by the General Assembly prior to issuance; amends KRS 224A.165 to require approval of the General Assembly prior to the issuance of bonds to which the moral obligation pledge applies.

SB 24

AN ACT relating to teachers' loans and scholarships.

Creates a new section of KRS Chapter 164 to provide loans to qualified students who want to become teachers; provides forgiveness of loans to persons who render qualified teaching service in approved schools; establishes the maximum rate of interest on the loans at 12%; repeals KRS 164.768 and KRS 164.770.

SB 27

AN ACT relating to the Department for the Blind.

Amends KRS 163.460 to define "visually impaired" to mean a condition of the eye with correction that constitutes or progressively results in a substantial limitation of life's activities; amends KRS 163.470 to require the Department for the Blind to include independent living as an area for research.

SB 29

AN ACT relating to crimes and punishment.

Creates a new section of KRS Chapter 524 to create a crime of retaliating against a juror as a Class A misdemeanor; amends KRS 514.110, relating to receiving stolen property, to increase felony theft dollar amount from \$100 to \$300; amends KRS 635.020 relating to criteria for determining whether a child is a "youthful offender" to add children who are involved in a felony offense involving a deadly weapon or a felony offense wherein a deadly weapon was used; requires that children, 14 and older, who commit Class A or B felonies or weapons offenses be tried as youthful offenders unless the adult session of the trial court decides that they are to be tried in juvenile court as public offenders having jurisdiction over the offense; requires that children with 2 prior adjudication's as a public offender who are 16 years of age or older be tried in circuit court as youthful offenders; requires that a child previously tried as a youthful offender who commits another alleged felony be tried in the Circuit Court as a youthful offender; requires that a child who commits any other offense other than listed felonies or weapon offenses along with one of those named offenses be tried in the adult session of the court having jurisdiction over the highest offense charged; requires that a person who commits a felony offense prior to his 18th birthday and who is tried after his 18th birthday be tried in Circuit Court; amends KRS 635.090 to permit the trial court sending a child charged as a youthful offender back to juvenile court to sentence the child to specified authorized dispositions; amends KRS 640.010 to permit a court to send a child charged as a youthful offender back to the juvenile session of District Court for trial under specified conditions; amends KRS 600.020 relating to definitions for the juvenile code to change the definition of youthful offender to comply with changes made in the act. **VETOED.**

SB 33

AN ACT relating to motor carriers.

Amends KRS 281.605 to exempt haulers of fly ash, bottom ash, waste ash, sludge, and pozatec from regulation, except for safety regulations; exempts air-ground carriers and indirect air carriers from regulation; authorizes the Transportation Cabinet to join a compact on overdimensional permits.

SB 37

AN ACT relating to health care reform.

Creates various new sections of KRS Chapter 205 to define the terms "abuse," "fraud," "immediate family member," "intentional," knowingly," "medical assistance program," "provider," "provider abuse," "recipient," "recipient abuse," and "wantonly"; prohibits a Medicaid recipient whose eligibility has been revoked due to Medicaid fraud from being eligible for future services for not more than one year or until full restitution has been made, instead of for not less than one year and until full restitution has been made; allows the Department for Medicaid Services to change the revoked status of a recipient if a specified health condition is present; requires Medicaid recipients abusing the program to be immediately assigned and restricted to a managed care provider; sets forth specified responsibilities of CHR and the Department for Medicaid Services directed toward the control of recipient and provider fraud and abuse; revises the composition of the recipient utilization review committee; provides that specified recipient utilization review activities, revocation or restriction of benefits have no force or effect until and unless the requested federal waivers are granted; requires that the restrictions placed on the use of emergency services by recipients be in conformity with the federal emergency medical treatment and active labor act and any other applicable federal law; provides that the Cabinet not be

ACTIONS OF THE 1994 GENERAL ASSEMBLY

authorized to waive recipient or provider rights to prior notice and hearing as guaranteed by federal law; sets forth requirements for prior authorization for recipients in nonlife-threatening conditions but seeking emergency care; sets forth prohibited provider and recipient acts under medicaid; sets forth penalties; requires reporting of violations of Chapter 205 if the person knows or has reasonable cause to believe a violation has occurred instead of has a reasonable cause to suspect; provides for forfeiture of a provider's license upon final and unappealable decision of a court; requires that a provider appealing a court decision not be eligible to participate in Medicaid; revises provider, health facility and health service ownership reporting requirements; sets forth the order and type and add to the number of state entities to whom persons are mandated to report suspected violations of KRS Chapter 205; requires all referred reports to be written instead of oral or written; provides for the protection of the identity of reporting persons; provides for payment of penalties under KRS Chapter 205 to a Medicaid Trust Fund; provides for placing of liens on property of any provider or recipient defrauding the Medicaid program; sets forth the contents and parties required to collaborate on an annual Medicaid fraud and abuse report; amends KRS 205.624 to require insurers issuing policies or contracts under Subtitles 17, 18, 32, or 38 of KRS Chapter 304 to cooperate fully with the cabinet or an authorized designee, in order for the Cabinet to comply with the statutory requirement that Medicaid applicants are deemed to have made an assignment of rights to third party payments to the extent of Medicaid paid on behalf of the recipient; requires the respective licensure or regulatory board of a licensed or certified provider to report to Medicaid when the provider's license is restricted or revoked; prohibits staff of the Office of the Attorney General, in private practice of law, from serving as legal counsel to or representing a provider instead of prohibiting the OAG staff from serving as legal counsel to or representing any professional licensure board for any provider; amends KRS 205.990 and 194.515 to conform; repeals KRS 205.845, 205.850, and 205.855.

SB 39

AN ACT relating to the indemnification of named public officers and employees who suffer financial loss as a result of being sued for acts or omissions in the course of their duties.

Creates a new section of KRS Chapter 15 to indemnify the Attorney General, Commonwealth's attorneys, county attorneys (for prosecutorial functions only) and their staffs for certain actions.

SB 40

AN ACT relating to educational television and declaring an emergency.

Amends KRS 164.005 to direct the Governor's Higher Education Nominating Committee to submit nominations from which the Governor shall select each gubernatorial appointment to the Kentucky Educational Television Authority; amends KRS 168.040 to abolish all gubernatorial appointments to the authority effective at 11:59 p.m. on June 30, 1994, and creates all new appointments pursuant to KRS 164.005 effective July 1, 1994; amends KRS 168.050 to direct the Governor to establish staggered terms of office for authority members; directs the Governor to reappoint three members serving on June 30, 1994; requires the Governor's Nominating Committee for Higher Education to nominate people to serve as the 7 members of the Kentucky Higher Education Assistance Authority; effective 11:59 p.m. on June 30, 1994 all terms of current members shall expire; terms of new appointees begin July 1, 1994; four current members shall be reappointed; EMERGENCY.

SB 43

AN ACT relating to the registration of sexual offenders.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Creates new sections of KRS Chapter 17, relating to public safety by establishing the sex offender registration system, specifying when registration is required, and providing penalties; and applies the provisions of the Act only to persons convicted after the effective date of the Act.

SB 44

AN ACT relating to state procurement.

Amends KRS 56.491 to raise the limit, from \$100,000 to \$125,000, for the size of a construction project that a state agency may complete without first securing the approval of the Finance and Administration Cabinet; raises the limit, from \$100,000 to \$125,000, for the size of a construction project that a state agency may have its own employees complete.

SB 45

AN ACT relating to state leases.

Amends KRS 48.111 to permit the authorization of a state lease with an annual rental cost exceeding \$200,000, even though the lease is not specifically listed in the biennial budget report and appropriations act or acts, when the lease is awarded as the result of the consolidation of leases or substantial noncompliance with the standards for space set by the Department for Facilities Management; amends KRS 56.813 to permit an agency to pay for improvements, costing more than \$1,000, to premises leased by the agency by amortizing the cost through a rent increase over the life of the lease; or, if the improvements cost \$1,000 or less, to pay for them either at direct state expense or by amortizing the cost through a rent increase over a period of time which shall run no longer than the life of the lease.

SB 47

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 521 to establish the crime of knowingly providing a pecuniary benefit for bribery of a public servant as a Class C felony; amends KRS 521.020 to increase penalty for bribery of public servant from Class D to Class C felony; amends criminal attempt, criminal solicitation and criminal conspiracy statutes to make those acts Class C felonies if the offense involves bribery of public servant or providing pecuniary benefit for same; creates new sections of KRS Chapter 271, 272, 273, and 274, relating to corporations, to revoke corporate charters when corporation is involved in bribing public servant.

SB 50

AN ACT relating to school employees.

Amends KRS 160.380, relating to school employees, to prohibit a superintendent from appointing or transferring himself to another position within the school district.

SB 51

AN ACT relating to school councils.

Amends KRS 160.345 to require a minority member on school-based decision making councils in schools with 8% or more minority student enrollment; requires the principal to organize a special election when such councils do not have a minority member; defines the term "minority" to mean American Indian; Alaskan Native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American Origin; Pacific Islander; or other ethnic group underrepresented in a local school district; determines percentage of minority students on October 1; adds a teacher member to the school council if a minority parent is added in a special election; allows the minority teachers to elect the minority teacher

ACTIONS OF THE 1994 GENERAL ASSEMBLY

member; provides for an election of a teacher member by all teachers if there is no minority teacher; exempts the minority teacher from term limitation if the teacher is the only minority teacher.

SB 52

AN ACT relating to the Central Midwest Interstate Compact on Low-Level Radioactive Waste.

Amends KRS 211.859 relating to the Central Midwest Interstate Low-Level Radioactive Waste Compact; revises the policy statement; revises the definition of low-level radioactive waste; broadens the definition of regional facility; revises the structure of the commission to allow more than one nonvoting commissioner; requires a unanimous vote of party state commissioners to enter into agreements to allow waste from outside the region to be disposed of at facilities in the region, or to allow certain federal waste to be disposed of, treated, or stored at a regional facility, or to allow waste from outside the region to be treated or stored at facilities in the region; allows the commission to be called into a meeting or a roll call vote to be requested by any voting commissioner rather than by a commission member who can vote or not; allows the commission to enter into agreements to allow waste from outside the region to be disposed of in the region or to allow certain federal waste to be disposed of, treated, or stored at the facilities if a law endorsing the action is enacted by the party state where the waste would be sent; allows the commission to enter into agreements to allow waste from outside the region to be treated or stored in the region unless within one year the party state enacts a law revoking the action; allows the commission to approve exports of waste from the region; allows the commission to approve the disposal of in-region waste at a facility in the region other than a regional facility; allows the commission to require waste generated within the region to be treated or stored at available regional facilities; requires the commission to promptly notify the party state governor and legislature of agreements for treatment, storage, or disposal of waste; requires greater detail in the annual report of the commission to the party states; includes, for purposes of calculating the 10% exclusion, certain federal wastes; applies the compact to wastes at Maxey Flats except for the compact provisions that make it a violation without compact approval to export waste or to dispose of waste at a facility other than a regional facility; broadens the circumstances that can justify a host state requesting to be relieved of its responsibilities as a host state; requires that persons who send waste from outside the region or that certain federal waste for treatment, storage, or disposal at a regional facility shall be liable for the cost of extended care and long-term liability; broadens the category of federal waste that is unaffected by the compact; prohibits the disposal within the region by certain service providers of any waste regardless of origin unless agreed to by the commission; broadens the category of facilities that are prohibited from receiving nonregion waste and the facilities to which any person is prohibited from depositing waste; prohibits activities related to certain federal wastes and prohibits, under certain circumstances, any person from treating or storing waste at a facility other than a regional facility.

SB 53

AN ACT relating to Family Resource and Youth Services Centers.

Amends KRS 156.497, relating to the Interagency Task Force on Family Resource Centers and Youth Services Centers, to add two additional Department of Education representatives, two additional parents, and a family resource or youth services center coordinator to the Task Force; requires revision of the implementation plan to include two additional years; permits the family resource center proposals to include a program similar to the Parent and Child

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 73

AN ACT relating to reorganization.

Confirms Executive Order 92-1339, relating to the Public Service Commission.

SB 74

AN ACT relating to reorganization.

Confirms Governor's Executive Order 92-387 as amended by 92-1147; abolishes the Governor's Office for Coal and Energy Policy, the Kentucky Coal Authority, and the Kentucky Export Council, and replaces them with a Coal Marketing and Export Council within the Office of the Secretary of the Cabinet for Economic Development; provides for membership and duties of the Council; amends various sections to conform.

SB 75

AN ACT relating to reorganization.

Confirms Executive Order 92-1167, dated October 30, 1992, abolishing the Office of Historic Properties in the Finance and Administration Cabinet and transferring its functions, personnel, equipment, and funds to a newly created Division of Historic Properties within the Department for Facilities Management, Finance and Administration Cabinet, headed by a director who also serves as the state curator; specifies duties and jurisdiction.

SB 76

AN ACT relating to reorganization.

Confirms Executive Order 92-624, relating to the Department of Information Systems, Finance and Administrative Cabinet; transfers the Kentucky state veterans' nursing homes from the Department of Military Affairs to the Finance and Administration Cabinet and directs the homes to provide long-term care to veterans.

SB 77

AN ACT relating to reorganization.

Confirms Executive Order 92-502, dated May 19, 1992, which renames the Division of Program Services, within the Department of Local Government, the Division of Administrative Services.

SB 78

AN ACT relating to reorganization.

Confirms Executive Order 93-528, dated June 4, 1993, which creates within the Department of Financial Institutions, the Divisions of Law; renames the Applications and Registration Branch; and includes various conforming amendments and Regulatory Compliance, Planning and Management, and Supervision, and abolishes the Divisions of Banking, Securities, and Thrift Institutions.

SB 80

AN ACT relating to retirement.

Amends KRS 61.615 to remove the provision that a disability retiree, if it is determined that he can return to work, shall have his retirement allowance reduced by the actuarial value of the disability allowances he received if he chooses an early retirement option; restricts the amendment to apply to persons affected between July 15, 1988 and December 31, 1994.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Education (PACE) program; extends the Task Force until 1997, as opposed to 1995; amends KRS 156.4977 to conform.

SB 55

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 517 to make knowing operation of a "sham or front company" a Class D felony; amends KRS 517.010 to define "sham or front company".

SB 60

AN ACT relating to procedures for confirmation of appointments.

Amends KRS 11.160, relating to procedures for confirmation of appointments, to establish procedures for letters of appointment and resumes to be delivered to the Legislative Research Commission when a statute requires an interim legislative committee to hold a public hearing on a particular appointment.

SB 61

AN ACT relating to state personnel.

Amends KRS 18A.095 and 18A.100, relating to penalization of and appeals by state employees, to define the term "agency" and to specify that pretermination hearings are before a cabinet or agency head or his designee, rather than deputy; requires scheduling of pretermination hearing within six working days after receipt of request unless waived by the employee; permits appeals based on discrimination due to "disability" rather than "handicap"; requires, rather than permits, the Personnel Board to deny a hearing to a classified employee who fails to file an appeal within the prescribed time or an unclassified employee who fails to state the reasons for the appeal and the cause for dismissal; requires the Personnel Board to deny an appeal after a preliminary hearing if it lacks jurisdiction to grant relief; permits the Personnel Board to deny hearing under certain circumstances; permits the board to review a summary of the record of evidence in an appeal heard by less than the full board; permits the board to create a videotaped record of its hearings and charge a reasonable fee for copies; directs appointing authorities to make whole an employee found by the board to have been discriminated against or penalized without just cause unless the board or court stays the order; requires the appointing authority, rather than the board, to alter or rescind certain disciplinary actions; amends KRS 18A.112, relating to employee performance evaluations, to require salary advancements, promotions and demotions to be based on statutory factors in addition to the evaluations; creates new sections of KRS Chapter 151B to grant appeal rights to laid-off employees in the Department for Adult and Technical Education.

SB 67

AN ACT relating to child day care.

Amends KRS 199.896, relating to the licensure of child day care centers and family child-care homes, to prohibit the use of corporal physical discipline, including the use of spanking, shaking, or paddling, as a means of punishment, discipline, behavior modification, or for any other reason; defines "corporal physical discipline."

SB 70

AN ACT relating to reorganization.

Confirms reorganization Executive Order 93-184, dated February 19, 1993, and Executive Order 92-1252, dated November 24, 1992, as amended, establishing a Development Office within the Education, Arts, and Humanities Cabinet.

SB 81

AN ACT relating to retirement.

Amends KRS 161.515 to permit a member of the Teachers Retirement System to purchase up to two years of retirement credit for service as a federal Peace Corps volunteer; amends KRS 16.505 to clarify the meaning of "final rate of pay", drop definition of partial disability, includes definition of "delayed contribution payment"; amends KRS 16.520 to delete age restrictions for becoming a state policeman; amends KRS 16.537 to require that a state policeman be vested in order to purchase service credit by delayed contribution payment; amends KRS 16.576 to delete the requirement that a state policeman terminate employment on his normal retirement date; amends KRS 16.596 to require that state policemen on disability retirement undergo financial review; creates a new section of KRS Chapter 16 to define total and permanent disability and hazardous disability, and to determine procedures for granting disability and paying disability benefits; amends KRS 61.510 to clarify the meaning of final rate of pay and regular full-time positions; amends KRS 61.525 to clarify that a KERS member can belong to KERS and a deferred compensation plan; amends KRS 61.542 to state that when notification of retirement has been filed, the designation of beneficiary supersedes previous designations of beneficiary; amends KRS 61.543 to allow service credit to parks employees who qualified by hours of service prior to January 1, 1993; amends KRS 61.545 to permit CERS members working for school boards to purchase additional credit to have a year's service credit for each school year, deletes cutoff date of August 1, 1993; amends KRS 61.552 to make several technical corrections relating to purchase of service credit and to permit an employee to obtain credit for agency-approved leave to work for a work-related labor organization, or for work with a business development corporation chartered under KRS Chapter 155, if a favorable private letter ruling is received from the Internal Revenue Service; amends KRS 61.590 to make technical corrections; amends KRS 61.558 to require that KERS members be vested before they purchase service credit for CERS, TRS, or SPRS credit; amends KRS 61.592 to conform to Section 2. of the amendment; amends KRS 61.600 to state that disability applications will not be accepted, if once denied, unless there has been a substantial change in a person's condition, defines residual functional capacity and levels of physical exertion which a person can achieve; amends KRS 61.615 to provide for disability retirees returning to work on a trial basis not to exceed 9 months; amends KRS 61.625 for technical purposes; amends KRS 61.637 to provide for differing levels of repayment, depending upon age, for retirees who exceed maximum permissible earnings when working for the state; amends KRS 61.640 to provide for taxation of beneficiary payments as appropriate; amends KRS 61.645 to make technical corrections; amends KRS 61.661 to clarify that current, former, and retired member accounts are to be treated confidentially, allows the system to designate an employee to be deposed when a subpoena is served on an employee; amends KRS 61.665 relating to disability hearings to provide that a Circuit Court can order a person served by the system with a subpoena to comply, provides for the record being closed at the adjournment of a formal disability hearing, provide for extensions; amends KRS 61.685 to make technical corrections; amends KRS 78.510 to clarify the meaning of "final rate of pay" and "regular full-time positions", defines "delayed contribution payment"; amends KRS 78.540 to clarify that CERS members can also contribute to a deferred compensation plan; amends KRS 78.545 to include reference to disability procedures; amends KRS 78.605 to permit former CERS employees covered by the Teachers' Retirement System to purchase credit earned under KERS, TRS, or the SPRS, requires that the purchaser be vested in CERS; amends KRS 78.615 to make technical corrections; repeals various sections of Chapter 16.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 85

AN ACT relating to motor carriers.

Amends KRS 189.222 to increase the axle weight from 600 pounds per square inch, to 700 pounds per square inch, for any single axle in any arrangement.

SB 86

AN ACT relating to child sexual abuse and exploitation.

Amends KRS 15.935, relating to the disbursement of funds by the Child Sexual Abuse and Exploitation Prevention Board, to authorize a statewide public education and awareness campaign, and the evaluation of prevention programs.

SB 87

AN ACT relating to special districts.

Amends KRS 65.182 to permit counties which do not contain a city of the first class to use the procedures of KRS 65.192 to create a fire district.

SB 88

AN ACT relating to public school officers.

Amends KRS 156.132 to clarify that the continuing contract status of a superintendent or other school district employee shall be terminated upon removal from office or resignation while charges are pending pursuant to KRS 156.132; restores rights if removal is reversed upon appeal; requires that the superintendent be paid full salary for the period of suspension if the state board's decision to remove is reversed upon appeal; deletes the requirement that the State Board for Elementary and Secondary Education provide a stenographic report of the removal proceedings.

SB 89

AN ACT relating to business and commercial frauds.

Creates a new section of KRS Chapter 367 to permit Attorney General to have concurrent authority with that of the county attorney to enforce KRS 517.040 relating to bait advertising.

SB 91

AN ACT relating to retirement.

Amends KRS 95.550, 95.624, 95.773, 95.859, 95.860, and 95.861 to permit police and firefighter pension boards in cities of the second, third, and fourth class to increase the surviving widows' minimum benefit to no more than \$400 per month, if the increase can be supported on an actuarially sound basis by the fund.

SB 92

AN ACT relating to reorganization and declaring an emergency.

Confirms Executive Orders 93-542 and 93-689, restructuring the Department of Education; amends KRS 156.010, 158.6451, 158.6453, and 158.6455 to conform; changes the Department of Education's organizational structure to reflect 1993-94 budget reduction modifications; EMERGENCY.

SB 93

AN ACT relating to reorganization.

Confirms Executive Order 53-593 which reorganizes the Cabinet for Workforce Development; divides the Department for Adult and Technical Education into a Department for

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Adult Education and Literacy and a Department for Technical Education and divides their responsibilities accordingly; creates a State Advisory Council for Adult Education and Literacy, a statewide Advisory Council for Vocational Rehabilitation and a statewide Independent Living Council, and provides for their membership and duties; provides that council members receive per diem and expenses; creates, abolishes, and realigns various offices and divisions within the organizational structure of the Cabinet for Workforce Development; creates a Department for the Blind Advisory Council to replace the Advisory Council on Services for the Blind and Visually Impaired; abolishes the Governor's Commission on Literacy.

SB 98

AN ACT relating to reorganization.

Confirms Executive Order 93-182, dated February 18, 1993, which creates the Division of Benefits Administration, renames certain divisions, and transfers certain duties to the newly created division; and makes technical corrections.

SB 99

AN ACT relating to reorganization.

Confirms Executive Order 93-654, dated July 9, 1993, which reorganizes the Department for Health Services within the Cabinet for Human Resources.

SB 100

AN ACT relating to a linked deposits loan program.

Creates various new sections of KRS Chapter 41 to provide for the creation of a linked deposit program; sets forth definitions and eligibility requirements; authorizes the State Investment Commission to invest in linked deposits derived from the state's unclaimed abandoned property program, to be invested in low interest loans for agriculture production and one-half to be invested in low interest loans for small business expansion or development; permits borrower to receive an interest rate below the commission's repurchase agreement rate setting formula; prohibits loans in excess of \$50,000 in state money; permits financial institutions to participate in program; authorizes lending institutions to accept and review applications; requires lending institutions to charge 1% in advance as a service charge to reimburse the Commission for program auditing service costs; permits small businesses and agribusiness to use funds for annual working capital for production costs, interest costs, capital expense, and debt refinancing; authorizes the Department of the Treasury to provide primary administrative support for the program at the direction of the State Investment Commission; authorizes the Department of Treasury to promulgate administrative regulations; amends KRS 42.510 to allow the State Investment Commission to provide low cost funds for reduced rate loans to eligible small businesses and to agribusinesses through qualified depositories in a linked deposits investment program; amends KRS 42.520 to allow the State Investment Commission to invest through qualified depositories in a linked deposit investment program; authorizes the Department of Treasury to assign priority to borrowers based on established provisions; and amends KRS Chapter 393 to transfer the abandoned property function from the Revenue Cabinet to the State Treasurer.

SB 106

AN ACT relating to motor vehicles.

Amends KRS 186.010, definitions governing the licensing of motor vehicles, to specify when a car dealer is the owner of a vehicle and when the dealer has transferred ownership;

ACTIONS OF THE 1994 GENERAL ASSEMBLY

clarifies that a person who has taken physical possession of a vehicle pursuant to a bona fide sale is considered the owner of the vehicle; requires proof of insurance from purchaser prior to delivering possession of vehicle; amends KRS 186A.220, car dealer requirements upon receiving a vehicle, to permit a dealer to execute the transfer of a vehicle for the purchaser and establish criteria for transfer; amends KRS 138.465 to conform.

SB 107

AN ACT relating to sexual misconduct by professionals.

Amends KRS 161.028, relating to the Education Professional Standards Board, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against teachers; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 161.120 to permit the revocation of a teaching certificate or license if the individual is convicted of a specified sexual offense or is found by the board to have had sexual contact with a student; permits the board to revoke or suspend certificate, mandate treatment, and pay for mental health treatment for the victim; amends 311.565, relating to the state board of medical licensure, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against physicians; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 311.591 to permit the board to revoke or suspend a physician's license, mandate treatment, and pay for mental health treatment for the victim; amends KRS 311.595 to permit the board to revoke or limit the license of a physician if the physician is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient in the care of the physician; amends KRS 314.091, relating to the Kentucky board of nursing, to permit the board to deny, limit, revoke, probate, or suspend any license to practice nursing if the individual is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient in the care of the nurse; permits the board to mandate treatment and pay for mental health treatment for the victim; amends KRS 314.131 to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against nurses; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 319.032, relating to the Kentucky board of examiners of psychology, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against psychologists; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 319.082 to permit the revocation of a license if the individual is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient while in the care of the psychologist; amends KRS 319.092 to permit the board to probate, revoke, or suspend a license or certificate, mandate treatment, and pay for mental health treatment for the victim; amends KRS 335.070, relating to the state board of examiners of social work of Kentucky, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against social workers; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 335.150 to permit the board to deny, revoke, or suspend a license, mandate treatment, and pay for mental health treatment for the victim; permits the revocation of a license if the individual is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient while in the care of the social worker; amends KRS 311.597, 311.599, 311.606, and 311.607 to conform; amends KRS 15.255 to require the Attorney General to develop guidelines relating to the proper investigation of sexual misconduct by professionals; amends KRS 312.019, relating to the Ky. State Board of

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Chiropractic Examiners, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against chiropractors; requires the board, the hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 312.150 to include sexual misconduct with a client as "unprofessional conduct"; and permits the board to revoke or suspend the license of the chiropractor if the board substantiates that sexual contact occurred with a client; makes technical correction to use the term "sexual contact" consistently throughout the Act and specify that boards under the provisions of the Act will train personnel in the dynamics of sexual misconduct of professionals and delineate content of the training; retains original provisions except specifies that the offense committed must involve a student, patient, or client of the professional and include chiropractors in the list of professions.

SB 112

AN ACT relating to reporting of specified incidents.

Creates new sections of KRS Chapter 158 to require parents to report student's expulsion for designated crimes; requires student records to reflect expulsion; requires school officials who have knowledge or information, to report designated crimes to appropriate law enforcement agencies if crime takes place on or near school premises; waives certain confidential information and privileges; grants reporter of crime immunity from civil or criminal liability; amends KRS 158.990 to make failure or refusal to report a Class A misdemeanor.

SB 119

AN ACT relating to state government.

Amends various sections of KRS Chapters 6, 6A, 7, 21, 64, 154A, and 224.43, and KRS 7A.110, 11.400, 13A.347, 21.530, 31.015, 45.750, 152.212, 154.12-203, 156.147, 199.8984, 230.218, 247.090, and 281.900 to conform to Kentucky Constitution Sections 83-87, as amended in 1992, to remove the Lieutenant Governor from the presidency of the Senate and provide for election of a member of that body as Senate president; makes technical corrections; amends KRS 18A.010 to provide that a person's score on the personnel register shall expire automatically one year, rather than two years, from the date of testing and recognize the employee mobility program; amends KRS 6.915 to allow the Program Review and Investigations Committee to inspect electronic data within the scope of a study and provide that agencies cooperate and produce unaltered data; provides that interviews and data requests may be classified as confidential by the public agency under the Open Records Law, but exempts documents routinely maintained by the agency under KRS 61.872; prohibits any retaliatory action against a person for complying with a Program Review and Investigations Committee investigation; amends KRS 6.930 to report deficiencies to cabinet secretaries and requires cabinet secretaries to give affirmative consideration and report their actions within 60 days to the Program Review and Investigations Committee; amends KRS 6.935 to require cabinet secretaries to assist the Program Review and Investigations Committee in its investigations.

SB 120

AN ACT changing the classification of the City of Indian Hills-Cherokee, in Jefferson County.

Reclassifies Indian Hills-Cherokee, population 1005, in Jefferson County, from a city of the sixth class to a city of the fifth class. Section 156 of the Kentucky Constitution requires a population of 1,000 to 3,000 for a city of the fifth class.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 128

AN ACT relating to reorganization.

Confirms reorganization Executive Order 93-1227, dated December 19, 1993, by amending various sections of KRS Chapter 235, relating to boats and boating, and KRS 150.021, relating to the Department of Fish and Wildlife Resources, to establish the Division of Water Patrol in the Department of Fish and Wildlife Resources within the Tourism Cabinet and to abolish the Division of Water Patrol in the Department of Natural Resources within the Natural Resources and Environmental Protection Cabinet.

SB 131

AN ACT relating to school personnel.

Amends KRS 160.380 to require local school district superintendents to annually report minority teacher recruitment efforts to the Department of Education; requires the Education Professional Board to request voluntary ethnic background information from certificate applicants; information shall be made available to local school district superintendents when recruiting minority certificate holders.

SB 132

AN ACT relating to superintendent screening committees.

Amends KRS 160.352 to permit local board of education to appoint members and establish a superintendent screening committee at least 90 days before office may be filled when vacancy occurs after 6 months.

SB 133

AN ACT relating to elementary and secondary school teachers.

Credits a teacher who teaches the equivalent of at least 70 full school days during the school year with one year of teaching experience; credits a teacher who teaches the equivalent of 70 full school days during 2 school years with one year of teaching experience.

SB 136

AN ACT relating to parental consent.

Amends KRS 311.732 to require parties consenting for a minor to have an abortion to include only the minor and one parent or legal guardian instead of the minor and both parents or legal guardian; removes the requirement that the minor's informed written consent to an abortion be signed and notarized.

SB 137

AN ACT relating to crematories and making an appropriation therefor.

Creates new sections of KRS Chapter 367 to establish licensing procedures for crematories; defines crematory authority; establishes crematories operational procedures; provides procedures for holding remains for cremation; provides procedures for processing, packing and disposition of cremated remains; provides procedures for authorizing agents and self-authorization; declares certain acts and practices unlawful; establishes penalties; creates a trust and agency account and appropriate moneys deposited therein.

SB 138

AN ACT relating to the use of tobacco stalks.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 248.610 to allow the use of tobacco stalks in experimental research projects to find new and innovative uses for tobacco.

SB 140

AN ACT relating to community improvement districts.

Amends KRS 107.320 to authorize counties containing cities of the third and fourth classes to create community improvement districts.

SB 141

AN ACT relating to trademarks and service marks.

Creates new sections of KRS Chapter 365 relating to the registration of trademarks and service marks; defines terms; sets out which marks are not registrable; sets out the minimal information to be included in the application for registration; permits the Secretary of State to require additional information if reasonable; permits the applicant to disclaim exclusive rights in a component of a mark, voluntarily or at the request of the Secretary, without prejudice; requires the Secretary when dealing with concurrent applications for the same or a similar mark to grant priority in the order of filing; requires that the registration of a mark be effective for five years; permits the mark to be renewed for successive periods; requires the Secretary of State to notify holders of registered trademarks and service marks of their pending expiration; requires that a trademark be assigned with that part of the good will of the business with which the mark is connected; permits assignment of applications for registrations; sets out the conditions in which assignees may register; permits the Secretary to record other instruments related to the mark; requires the Secretary to keep a record of the registered marks and recorded documents for public inspection; sets out the conditions under which the Secretary may cancel a registration; requires the Secretary to establish a classification system conforming to the federal system if practicable; recognizes trademarks and service marks properly registered under prior law; permits the award of treble damages or profits when one misappropriates the mark of another with the intent to cause confusion or mistake or to deceive; sets out other remedies; specifies that the rights set out do not affect criminal rights, provided elsewhere; establishes the Franklin Circuit Court as the forum at which to bring actions to compel a registration or cancel a mark; provides that proceedings in court be based solely on the record before the Secretary of State; establishes \$10 mark registration application fee and \$5 fees for mark renewal and recording of assignment of a mark; states legislative intent and General Assembly's preference that construction given federal Trademark Act be given legislation in state; repeals various sections of KRS Chapter 365.

SB 142

Amends KRS 177.0736 to remove requirement for eligible business to occupy fifty percent (50%) or more of a particular category of service signs erected at parkway interchanges.

SB 146

Amends KRS 189.561 to require the Transportation Cabinet not to consider nonfatal accidents in their five (5) year accident reporting period if they are caused by reasons other than warning signal devices; deletes requirement to either install gates at a rail/highway crossing or condemn or close it, and requires, instead, programming the installation of gates depending upon requests from local governments and updates of the five (5) year accident period; amends KRS 177.120 to require promulgation of administration regulations on the closing of grade crossings; amends KRS 277.190 to permit local governments to regulate the sounding of train whistles at

ACTIONS OF THE 1994 GENERAL ASSEMBLY

night if the government adopts the provisions of emergency order #15, notice #4, issued 8/31/93 by the federal railroad administration

SB 147

AN ACT relating to highways and declaring an emergency.

Amends KRS 177.035, relating to highways, to exempt local school districts from paying to remove utility lines on their property when a highway construction project requires the lines to be relocated; declares an emergency to have the bill become effective upon passage and approval by the Governor; prohibits school districts from purchasing property to construct any school facility until the district consults with the Transportation Cabinet in Frankfort to determine if the property has adequate highway access or if access is planned for a future date by the Cabinet. If the property does not have adequate highway access or if access is not planned by the Cabinet, requires the Cabinet to notify the school district in writing.

SB 148

AN ACT relating to fringe benefits for school employees.

Amends KRS 160.291, relating to school employee salaries, to authorize local board adoption of a fringe benefit program.

SB 150

AN ACT relating to employment

Amends KRS 244.090 to permit persons under the age of 20 to work in restaurants which derive at least 35% of gross sales from the sale of food or other establishments with alcoholic beverage sales of not more than 50%, if the establishments have alcoholic beverage retail drink licenses and if the employment does not involve the sale or serving of alcoholic beverages.

SB 151

AN ACT relating to insurance payments for services performed by podiatrists.

Amends KRS 304.17-305, 304.18-095, and 304.38-196 to include services provided by licensed podiatrists as a reimbursable service within certain kinds of health insurance; amends KRS 18A.2288 to permit employees of state institutions of higher education, credit unions, health departments, and similar institutions who belong to KERS to enter the KERS self-funded health insurance plan upon retirement without any limitation for preexisting condition limitations of the insurance program provided by their employer.

SB 153

AN ACT relating to theft by deception.

Amends KRS 514.040, relating to theft by deception, to provide that \$10 fee received by a county attorney for processing cold checks go to the office of the county attorney for office expenses; provides that the excess fees held by the county attorney on June 30 of each year are to be turned over to the county treasurer before the end of the next fiscal year.

SB 154

AN ACT relating to the Kentucky Agriculture Resources Development Authority.

Creates a new section of KRS Chapter 11 to establish the Kentucky Agriculture Resources Development Authority (KARDA); attaches KARDA to the Office of the Governor; requires KARDA to unify and expand the efforts of private agricultural organizations and state agencies working on behalf of Kentucky farmers and agribusiness.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 157

AN ACT relating to alcoholic beverages.

Amends KRS 242.100, 244.290, and 244.480 to prohibit selling, giving, loaning, or furnishing alcoholic beverages on primary and regular election day only.

SB 158

AN ACT relating to public library services.

Amends KRS 171.201 to change from four to three the categories of counties to which the Department for Libraries and Archives provides foundation grants, and increases the amounts of the foundation grants to county public library systems as follows: requires grants of \$9,000 to counties with a population of 22,000 or less, grants of \$8,000 to counties with population of 22,001 to 45,000, and grants of \$7,000 to counties with a population over 45,000; deletes requirements for grants of \$4,500 to counties with a population of 18,000 or less, grants of \$4,000 to counties with a population of 18,001 to 30,000, grants of \$3,500 to counties with a population of 30,001 to 50,000, and grants of \$3,000 to counties with a population over 50,000.

SB 159

AN ACT relating to reorganization.

Confirms Commissioner of Agriculture Executive Order 92-001, renaming the Office of Consumer Safety the Office of Environmental Advocacy.

SB 160

AN ACT relating to reorganization.

Confirms Commissioner of Agriculture Executive Order 94-01E, relating to the Office of State Veterinarian, to change the name of the Division of Animal Health and Administrative Records to the Division of Animal Health and Information Systems; transfers the Records Branch and the Financial Branch from the Division of Animal Health and Administrative Records to the Division of Animal Health Field Enforcement; specifies duties.

SB 161

AN ACT relating to reorganization.

Confirms Commissioner of Agriculture Executive Order 93-01E to change the name of the Office of Market Services to the Office of Agri-Markets; creates a Division of Market Services; abolishes the Division of Market Development and the Division of Market Research and transfers all personnel, funds, records, files, and equipment to the new Division of Market Services.

SB 162

AN ACT relating to professional development.

Amends KRS 158.070, relating to the school term, to extend for two additional years a local board's authorization to use up to five instructional days of the school term for professional development activities.

SB 164

AN ACT relating to public employee insurance.

Amends KRS 18A.225-18A.2281, relating to insurance, to allow cities, counties, and urban-county governments to participate in state insurance programs; amends KRS 79.080,

ACTIONS OF THE 1994 GENERAL ASSEMBLY

relating to cities and counties, to authorize cities, counties, and urban-county governments to participate in state insurance programs; defines "state employee" as a person regularly employed by state government, municipal, urban-county, charter county, or county government whose legislative body participates in the state health insurance program pursuant to KRS 79.080; permits that premiums may be paid in part or wholly by any branch of state, municipal, or urban-county, charter county or county government, and that payment by these governments are not compensation but administrative cost; defines "employee" as a person regularly employed by municipal, urban-county, charter county, or county, and that contributions by governments for premiums are administrative costs; authorizes that any city, county, charter county or urban-county government that is a contributing member of a retirement system administered by the state may participate in the state health insurance coverage program, as defined in KRS 18A.225 to 18A.229, and that the minimum time period for participation in the program is three (3) years and that if participation ends, a three (3) year waiting period is required.

SB 167

AN ACT relating to reorganization.

Confirms EO 92-1060, which expands the membership of the Board of Agriculture.

SB 168

AN ACT relating to telephone solicitations.

Creates new sections of KRS Chapter 367 relating to telephone solicitations; exempts telephone calls made in response to an express request of the person called or made primarily in the connection of an existing debt or contract that has not yet been completed; exempts professionals properly regulated under other KRS Chapters; exempts: a person soliciting the sale of a subscription to a newspaper, magazine, and periodical of general circulation, a merchant regulated by the Public Service Commission, a person soliciting the sale of food costing less than \$100, specified catalog solicitations, corporations or businesses regulated by the Department of Financial Institutions, certain nonprofit organizations, merchants regulated by the FCC, certain book, video, or record clubs and telephone marketing services; specifies that, where a merchant is exempted from the provisions of the bill, the exemption also extends to the merchant's affiliate or authorized agent, if acting on the merchant's behalf; sets out a procedure requiring a merchant caller to disclose information to the person called and requires the caller to inquire within the first 30 seconds of the call if the person called wants to continue listening to the sales presentation; permits the person called to void a contract made as a result of a telephone solicitation that violates this Act; permits the consumer to cancel a contract resulting from a telephone solicitation by returning goods to the merchant within 14 days of receiving goods or canceling services or receiving copies of one's cancellation rights; sets out the content of the cancellation rights notice; prohibits a caller from requesting or accepting payment from the consumer until the merchant receives a copy of the contract or the cancellation period has expired; sets out a registration procedure and specifies the information the merchant shall supply; requires merchants to disclose the value of the prizes, the number of people winning the prizes with the highest and lowest value and the actual experience of consumers or investors; requires merchants to post a \$50,000 bond; requires bond to remain in effect until the merchant files with the Attorney General proof that the premium was awarded; permits the Attorney General to promulgate regulations as necessary; establishes penalties.

SB 170

AN ACT relating to water fluoridation programs for the protection of dental health.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 211.190 to direct the Cabinet for Human Resources to maintain, monitor, and enforce water fluoridation programs for the protection of dental health.

SB 171

AN ACT relating to motor vehicle operator's licenses.

Amends KRS 186.412, relating to application for a Kentucky driver's license, to prohibit the use of a person's social security number on the driver's license; requires the Transportation Cabinet to develop a numbering system for driver's licenses that does not use social security numbers by January 1, 1996; amends KRS 281A.140 and 281A.170, relating to application and form of commercial driver's licenses, to conform.

SB 172

AN ACT relating to crimes and punishment.

Amends KRS 530.020, relating to incest, to include deviate sexual intercourse.

SB 174

AN ACT relating to schools.

Amends KRS 156.275 to require school district audits to be made by persons qualified under KRS Chapter 325; amends KRS 156.480 to prohibit any commissioner, associate commissioner, deputy commissioner, director, manager, or other employee of the Department of Education with decision-making authority over the financial position of a school, school district, or school system from having any pecuniary interest over \$25; prohibits any employee of any county or independent school district with decision-making authority over the financial position of the school district from having any pecuniary interest over \$25; and establishes a fine of not less than \$50 nor more than \$500 and forfeiture of office for violations.

SB 175

AN ACT relating to the Kentucky Board of Tax Appeals.

Amends KRS 131.120 to require that the chairman of the Board of Tax Appeals, rather than the Revenue Cabinet, conduct new member training sessions and annual seminars for members.

SB 177

AN ACT relating to the Kentucky Board of Medical Licensure.

Amends KRS 311.530, relating to the state Board of Medical Licensure, to increase membership from eleven to thirteen, by adding one physician and one citizen member; amends KRS 311.555 to prohibit judiciary from interfering with or enjoining the actions of the board until all administrative remedies are exhausted; amends KRS 311.571 to permit the board to deny the re-registration of an inactive license under specified conditions; amends KRS 311.592 to require an inquiry panel of the board to schedule a hearing within 60 days, of a physician's request for a hearing after an order suspending, limiting or restricting the physician's license; amends KRS 311.593 to prohibit aggrieved physicians from seeking relief from the board by means of attorney's fees or other monetary liability; prohibits the court from awarding injunctive relief against the board and from reviewing any petition without providing the board a reasonable opportunity to be heard; amends KRS 311.595 to allow the board to deny a re-registration for a license; amends KRS 311.597 to clarify the meaning of dishonorable, unethical, or unprofessional conduct as it relates to prescribing or dispensing any medication in lieu of a controlled substance; amends KRS 311.603 to prohibit any monetary liability from arising against the board or a

ACTIONS OF THE 1994 GENERAL ASSEMBLY

consultant of the board; amends KRS 311.605 to allow agents of the board to seize psychiatric or non-psychiatric records; amends KRS 311.591 to allow the Board president to divide the Board membership into two six-member instead of five-member panels; clarifies that one consumer member serve on each panel; allows an inquiry panel or executive director of the board to seek enforcement of search warrants in the courts; creates various new sections of KRS Chapter 311 to allow the Board of Medical Licensure to establish the Impaired Physicians Committee; sets forth the purpose of the Committee; allows the Board to enter into a contractual agreement with a nonprofit corporation or medical professional association for the purpose of creating, supporting, and maintaining the Committee; exempts members, staff of, and consultants for the Committee from liability; mandates that records and proceedings of the committee pertaining to or referring to a physician who may be or is impaired be considered privileged and confidential; provides for circumstances under which information relative to an impaired physician may be disclosed; amends KRS 311.590 to prohibit fraud or dishonesty in connection with the board's hearings or disciplinary proceedings.

SB 180

AN ACT relating to public health.

Amends KRS 212.640 to expand the membership of the board of health of a county containing a city of the second class from seven to eleven; requires the new members to include a veterinarian, an engineer, an optometrist, and a lay person knowledgeable in consumer affairs; amends KRS 212.855 to allow city managers or their designees of cities of the second class to serve on district boards of health for district health departments serving a county other than counties with a city of the first class or an urban-county government; permits the city manager to have a designee as a member of the local board of health.

SB 184

AN ACT relating to commerce.

Establishes KRS Chapter 275 and new sections thereof to create the Kentucky Limited Liability Companies Act, which permits the formation of limited liability companies which are taxed as partnerships for federal tax purposes, while the company owners are given the same limited liability protection available to owners of a corporation; amends existing sections of KRS Chapter 362 and creates new sections of it to provide for registration of limited liability partnerships by the Secretary of State; defines the liability of limited partners and determines their rights and duties; amends KRS 446.010 to define person to include limited liability companies and registered limited liability partnerships; deletes the provision that a foreign limited liability company shall have no greater rights and privileges than a domestic limited liability company; raises from \$100 to \$200 the filing fee for a limited liability partnership statement or renewal statement; requires that for 2 years fees generated under the Act shall be placed in a trust fund to pay for the Secretary of State's administration of the Act; requires that a limited liability company shall be treated as a partnership for Kentucky income tax purposes when so treated for federal income tax purposes and shall be treated as a corporation for Kentucky income tax purposes when so treated for federal income tax purposes; permits the merger of a limited liability company and a limited liability partnership; protects a partner in a registered limited liability partnership from liabilities arising in tort, contract, or otherwise as the result of another partner's misconduct; makes technical amendments.

SB 185

AN ACT relating to proposed constitutional amendments.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 118.415 to clarify the right of the General Assembly to propose its own ballot question language for proposed constitutional amendments, to require that the Attorney General do so if the General Assembly doesn't, to require that the Secretary of State publish the ballot question at least one time in a newspaper of general circulation in the state not later than the first Tuesday in August before the election, to require the Attorney General to certify the substance of the ballot question for a constitutional amendment to the Secretary of State not later than fourteen days before the first Tuesday in August, and to require the Secretary of State to certify the substance of the ballot question to the county clerks not later than the third Tuesday in August.

SB 186

AN ACT relating to the Unified prosecutorial system.

Amends KRS 15.725, relating to duties of Commonwealth's and county attorneys to permit Commonwealth's and county attorney to agree to share or redistribute prosecutorial duties among themselves by written agreement; requires copies of the agreement to be filed with Attorney General, chief district judge, chief circuit judge, and chief regional circuit and district judges; requires Prosecutors Advisory Council to take agreements into account when allocating resources between Commonwealth's and county attorneys.

SB 187

AN ACT relating to county police merit systems.

Amends KRS 78.425 to exempt civilian employees covered by a collective bargaining agreement from coverage by a county police force merit system.

SB 188

AN ACT relating to police force merit boards.

Amends KRS 78.460 to permit a county police force merit board to compel the production of documents at a disciplinary hearing; requires the board, upon a showing of proper need, to subpoena witnesses or compel production of documents only upon a showing of proper need.

SB 193

AN ACT relating to the functions of the Kentucky Horse Park Commission.

Amends KRS 148.260 to increase the membership of the Kentucky Horse Park Commission from nine members to 13 members; requires the Governor to appoint 11 members; retains the two ex officio members; directs a quorum to consist of six members; amends KRS 148.280 to make the Horse Park Commission, rather than the Department of Parks, responsible for routine administration of functions such as purchasing and personnel at the Kentucky Horse Park.

SB 195

AN ACT relating to workforce training for the encouragement of economic competitiveness and declaring an emergency.

Creates new sections of KRS 151B to direct the Cabinet for Workforce Development to administer an adult education learning system which include the following services: essential skills training, literacy, adult basic education, adult secondary education, family literacy, and English as a second language, utilizing multiple sites, entrance points and funding sources; establishes adult education and workplace essential skills advisory committees to advise them on training needs,

ACTIONS OF THE 1994 GENERAL ASSEMBLY

services and program status; establishes the duties of the Workforce Development Cabinet in administering the system; creates a new section of KRS Chapter 154 requiring the Cabinet for Economic Development to include worker training as an eligible activity in any flexible networks programs they may initiate; transfers the Job Training and Partnership Act from the Cabinet for Human Resources to the Cabinet for Workforce Development and makes transfer effective July 1, 1994; amends Section 3 to make inclusion of other agencies' funding and programs of adult education learning systems permissive rather than mandatory; endorses the development and implementation of a school-to-work system, including the establishment of skill standards to help students make an effective transition from school to work; EMERGENCY.

SB 199

AN ACT relating to local government investments.

Amends KRS 66.480 to delete the list of investments allowable to local governments and to substitute a list which is relevant to contemporary investment options, requires local governments to adopt written investment policies; limits the investment authority of local governments by providing that certain investments shall not exceed 20 percent of the government's total amount invested; prohibits local governments from purchasing investments on a margin basis or by similar leveraging technique.

SB 201

AN ACT relating to real estate appraisers.

Amends KRS 324A.050 to give the Board of Real Estate Appraisers the authority to reprimand and probate a license or certificate, or impose a combination of actions; deletes language limiting disqualifying acts to those related to real estate appraising; deletes willful standard for violations of law or lawful order of board; deletes language allowing board sanctions for licensees committing any unlawful act; specifies the types of misdemeanors that may be grounds for board sanctions.

SB 205

AN ACT relating to motor vehicle operator's licenses.

Creates a new section of Chapter 186 to establish a medical review board to evaluate persons with seizure conditions who apply for operator's licenses; amends KRS 186.411 and 186.440 to establish procedures; requires Transportation Cabinet to promulgate administrative regulations; however, prohibits cabinet from promulgating administrative regulations that would prevent a person from obtaining or retaining an operator's license because the person might be considered too old to drive; makes technical changes to conform to American Disabilities Act.

SB 206

AN ACT relating to school-based decision making.

Amends KRS 160.345, relating to school-based decision making, to require a school council that establishes committees to adopt a policy facilitating participation by interested persons that includes the committee's jurisdiction, composition, and method of selecting members.

SB 208

AN ACT relating to remining of surface coal mining operations.

Amends KRS Chapter 350 to define "unanticipated event or condition" as an event or condition encountered in a remining operation that was not contemplated by the applicable surface coal mining and reclamation permit; defines "lands eligible for remining"; exempts a permit

ACTIONS OF THE 1994 GENERAL ASSEMBLY

applicant from being denied a permit where a violation resulted from an unanticipated event on a remining permit; requires the remining permittee to assume responsibility for successful revegetation for a period of two years after the last augmented seeding or other work; and provides that surface coal mining operations on lands eligible for remining shall not affect their eligibility for reclamation and restoration after the release of the bond.

SB 213

AN ACT relating to the parole of adult offenders and declaring an emergency.

Amends KRS 439.304 to define the duties of the Commission on Corrections and Community Service in the nomination of Parole Board members; amends KRS 439.340 to eliminate requirement for parole interview and hearing for Class D inmates; amend KRS 439.320 to require Senate confirmation of Parole Board members, redefine quorums of the board necessary to grant parole, and restagger existing terms of board members; amends KRS 439.330 to require the board to keep an electronic record of meetings, and a written record of the parole votes of individual members and reasons for denying parole and keep these as open records; creates new section of KRS Chapter 439 to KRS 439.341 to allow for parole review and release of inmates with documented terminal medical conditions likely to result in death within one (1) year who were denied parole or eligibility have not achieved minimum statutory parole eligibility; EMERGENCY.

SB 214

AN ACT relating to coal.

Creates a new section of KRS Chapter 350, relating to surface coal mining, to require the Natural Resources and Environmental Protection Cabinet to report to the Secretary of the Transportation Cabinet every six months the surface coal mine openings and closings; amends KRS 351.070, relating to underground coal mining, to require the Department of Mines and Minerals to report to the Secretary of the Transportation Cabinet every six months the underground coal mine openings and closings; amends KRS 352.420 to require the operator of an underground coal mine to report to the Department of Mines and Minerals every six months the underground coal mine openings and closings under his authority; amends KRS 42.470, relating to the allocation of local government economic assistance funds, to require coal impact counties to receive an annual payment based on the average of total ton miles within the county during the most recent three-year period; requires a coal impact county to have in any single year twenty-five hundredths of one percent of the total ton miles within all coal impact counties during the most recent three-year period; amends KRS 177.977, relating to the directory of the coal road system, to conform; amends KRS 211.390 and KRS 211.392 to allow an application for tax exemptions from a fluidized bed combustion unit for the production of energy, rather than from an atmospheric fluidized bed combustion unit; requires the fluidized bed combustion unit to be the major energy source for the primary operation of the plant facility to qualify for the tax exemptions; deletes reference to the Governor's Office for Coal and Energy Policy; allows the tax exemptions to remain in effect for eight years, rather than for five years.

SB 221

AN ACT relating to personnel.

Creates new sections of KRS Chapter 18A to authorize pilot personnel programs for Executive Department agencies; establishes a Personnel Steering Committee to oversee the pilot programs; provides for gubernatorial appointments to the committee based on criteria outlined in the bill; provides for the annual election of a chairman; provides for travel reimbursement for

ACTIONS OF THE 1994 GENERAL ASSEMBLY

committee members; establishes the committee's duties; provides for the discontinuance of pilot personnel program; requires the acceptance of applications within 30 days of the effective date of this Act; requires consultation with the Personnel Commission prior to the implementation of a pilot program; requires the submission of quarterly reports by each pilot agency; requires the submission of a comprehensive status report to the Governor at least 60 days prior to the 1996 and 1998 Regular Sessions of the Kentucky General Assembly; requires each pilot agency to develop and promulgate pursuant to the provisions of KRS Chapter 13A, comprehensive employment manuals for its employees; requires each manual to provide a clear explanation of certain statutes; exempts policies relating to specific implementation of the pilot personnel programs from the provisions of KRS Chapter 13A; prohibits the suspension of KRS 18A.095, 18A.113, 18A.1131, 18A.1132, 18A.130, and 18A.135; makes the pilot programs effective upon completion of the administrative regulatory procedure; establishes a date certain for expiration, unless such date is specifically extended by statute; permits the voluntary transfer of an employee in a pilot program under certain conditions; establishes criteria for organization units for the pilot personnel program based on certain criteria; prohibits coverage of over 15% of the permanent, full-time employees employed on the effective date of the Act, with certain exceptions; requires the development of a plan by the Secretary of the Finance and Administration Cabinet to permit participating agencies to retain 50% of any actual savings attributed to their pilot programs; prohibits the lapsing of such moneys; permits the spending of these moneys on nonrecurring capital outlay, except at least 50% of such saving shall be earmarked for salary incentives; requires the promulgation of administrative regulations to implement these provisions; permits the Workforce Development Cabinet and the Department of State Police to participate in the pilot personnel programs; and names this Act the Pilot Personnel Program Act.

SB 222

AN ACT relating to the Kentucky Unified Juvenile Code.

Amends KRS 610.010, relating to district court jurisdiction of juvenile matters, to grant continuing jurisdiction to review dispositional orders relating to a child adjudicated abused or neglected, conduct dispositional hearings under federal law 42 USC 675(5)(c); creates a new section of KRS 610 to establish the factors to be presented and considered and the responsibility of the court in dispositional hearings; amends KRS 635.060, relating to dispositional alternatives for juvenile court judges, to specify that any combination of alternatives may be ordered, as opposed to only one alternative; creates a new section of KRS Chapter 610 to provide that if the court has committed the child to the custody or guardianship of the Cabinet for Human Resources and the cabinet has not found a suitable residential facility for the child that further detention of the child may be ordered, if the child or the community would be endangered by the child's release; amends KRS 610.280 relating to the length of detention of children prior to a hearing to provide that if the child is detained in an intermittent holding facility that the detention not exceed 24 hours, exclusive of weekends and holidays; and provides that if the child is detained in a secure detention facility or a juvenile holding facility that a hearing shall be held within 48 hours, exclusive of weekends and holidays.

SB 225

AN ACT relating to the Central State Hospital Recovery Authority.

Establishes the Central State Hospital Recovery Authority as a de jure municipal corporation and political subdivision of the Commonwealth attached to the Finance and Administration Cabinet; creates a six-member board, chaired by the secretary of Finance and Administration, with two members appointed by the Governor and three members who are

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Jefferson County residents appointed by the Jefferson County judge/executive; empowers the board to act as trustee of and transfer, by deed or lease, lands of the Old Central Kentucky State Hospital in Jefferson County to the county, the city of Anchorage, or a joint city-county entity; permits the board to demolish or renovate structures on the hospital lands; allows the board to promulgate administrative regulations and employ or contract for services; directs the secretary of Finance and Administration to provide a secretary to the board; directs that the authority expires six months after execution of a conveyance of the hospital property by deed or lease.

SB 228

AN ACT relating to motor vehicle salvage dealers.

Amends KRS 190.010 to include a recycling dealer under the definition of a restricted motor vehicle dealer.

SB 234

AN ACT relating to assistant county attorneys.

Amends KRS 69.300 to permit an assistant county attorney to reside within 30 miles of the county line or in a county which is contiguous to the one he serves.

SB 237

AN ACT relating to vehicles.

Amends KRS 189.350, relating to traffic regulations, to delete bicycles from the requirements governing the overtaking and passing of vehicles; amends KRS 189.380 to require signal lamps or mechanical signals on motor vehicles and establish criteria for hand signals to be used on bicycles; repeals KRS 189.410.

SB 241

AN ACT relating to agriculture water quality.

Creates new sections of KRS Chapter 224; defines terms; creates the Agriculture Water Quality Authority to improve best management practices, establishes water quality plans, and promotes soil and water conservation activities; requires agriculture operations to establish an agriculture water quality plan; clarifies where best management practice and conservation plans may be obtained; clarifies that the committees to be formed by the authority shall be comprised of members outside the authority; requires the authority to establish procedures for modifying statewide or regional agriculture water quality plans; requires the cabinet to approve or disapprove statewide or regional plans; allows persons engaged in agriculture operations to seek modifications of plans; requires the cabinet to notify, and take follow-up actions against, if necessary, a person engaged in agriculture operations that are causing water pollution.

SB 242

AN ACT relating to the school calendar and adjustments necessary to deal with the severe winter weather of school year 1993-94 and declaring an emergency.

Authorizes a local board to make up school days missed due to inclement weather by extending the school day if certain conditions are met; authorizes the local board to determine whether to make up January 18, 19, 20, or 21, 1994, days under state emergency, as declared by the Governor; allows school employees to receive their regular daily salary if the emergency days are not made up; permits a board to submit up to five days to be excluded from the calculation of average daily attendance if documentation is presented that the low attendance was due to weather conditions and the state board approves the request; EMERGENCY.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 243

AN ACT relating to the certificate of need process.

Amends various sections of KRS Chapter 216B to require applicants for a certificate of need include the name and business address of any owner, investor, or stockholder with more than 10% ownership interest in the project; prohibits holders of a certificate of need from profiting from selling, trading, or transferring of a certificate of need to any other person; requires the Commission on Health Economics Control in Kentucky to revoke any certificate of need involving long-term care beds which is not implemented within thirty-six months; sets forth 6 month reporting periods of progress made in meeting the project objectives within the project timetable; places the burden of proof on certificate holder to show cause for an extension of a completion deadline; requires all project reports by a certificate holder to be considered a public record.

SB 245

AN ACT relating to the conduct and financing of elections.

Amends KRS 121.015 to define a fundraiser as one who solicits and secures contributions for a candidate or slate of candidates for statewide-elected state office or an office in a jurisdiction with a population in excess of 200,000; amends KRS 121.025 and KRS 121.035 to prohibit contributions to campaigns by corporations authorized to do business in Kentucky and any other state; amends KRS 121.065 to prohibit charging fees for political advertising in excess of the lowest rate charged for other advertising at the time the political advertising is purchased; amends KRS 121.110 to permit a member of the board of the Registry of Election Finance to be appointed by the Auditor of Public Accounts instead of the Lieutenant Governor; amends KRS 121.120 to require the registry to prepare a summary of campaign finance reports to require the listing of a campaign contributor's spouse and the spouse's employer and occupation for candidates for statewide office only and to permit the registry to refer campaign finance violations to the appropriate Commonwealth's or county attorney in addition to the Attorney General; amends KRS 121.140 to provide a different method for securing a three-judge panel to hear violations of campaign finance laws where probable cause exists that the violations were committed knowingly; amends KRS 121.150 to prohibit collusion between candidates and persons making independent expenditures to the candidate's campaign, to clarify the restrictions on cash contributions, and to prohibit acceptance of a contribution from funds in a federal campaign account; amends KRS 121.160 to require that candidates designate a campaign treasurer as part of their filing papers, to designate a bank in which the primary campaign account is maintained, and to require only campaign treasurers for statewide elected state office candidates to identify a contributor's spouse and the spouse's employer on campaign finance reports; amends KRS 121.170 to clarify that federally-registered out-of-state permanent committees are exempt from filing state campaign finance reports and paying administrative fees; amends KRS 121.175 to permit campaign funds to be used to purchase gifts and meals for campaign volunteers, food and beverages at campaign rallies, purchases of advertisements in athletic and scholastic publications, and to communicate with constituents; amends KRS 121.180 to provide circumstances under which a candidate who has filed an exemption from making some or all campaign finance reports may reconsider his exemption without penalty, to lessen the penalty for violation of a request for exemption from filing some or all campaign finance reports, to require the campaign treasurer of a judicial candidate seeking exemption from filing some or all campaign finance reports to file the exemption but provide that the candidate is personally responsible for any violation, to require that only candidates for statewide-elected state office identify the spouse of a contributor and the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

spouse's employer on campaign finance reports, to clarify that an administrative fee assessed against permanent committees will be assessed only on contributions to candidates, and to clarify that a candidate maintaining a campaign account during the years in between elections must only file annual reports until declaring again as a candidate for the same office; amends KRS 121.190 to require campaign materials paid for a candidate to indicate that fact only; amends KRS 121.990 to provide a Class A misdemeanor penalty for selling political advertising at a higher rate than other advertising; amends KRS 121A.010 to exempt in-kind contributions from the definition of "contribution" if the person furnishing them did not pay another person for their provision; amends KRS 121A.020 to clarify campaign finance reporting requirements for slates of candidates for Governor and Lieutenant Governor; amends KRS 121A.060 to require the registry to certify entitlement for matching funds in seven working, rather than calendar, days; amends KRS 118.125 to specify the language to be included on nomination papers of a slate of candidates for Governor and Lieutenant Governor; amends KRS 118.127 to require that both names of a slate of candidates for Governor and Lieutenant Governor be listed on the nomination papers; and to provide that the nomination of a registry board member by the Auditor will not serve to terminate the existing appointment made by the Lieutenant Governor.

SB 246

AN ACT relating to the certification of marriage and family therapists.

Creates various new sections of KRS Chapter 335 to define terms including marriage and family therapist; creates the Kentucky Board of Certification for Marriage and Family Therapists; establishes membership, qualifications, method of appointment, and length of terms for board members; establishes duties of the board; provides for staff to the board; requires payment of a fee for certification; establishes standards for certification effective 1 year from the effective date of the Act; provides for denial, suspension, and revocation of certificates; establishes exemptions, hearing procedures, and penalties; exempts board members, agents, and employees from personal liability from civil or criminal action when acting reasonably and in good faith; and amends KRS 506 to create a privilege for marriage and family therapists and clients.

SB 248

AN ACT relating to civil rights.

Creates a new section of KRS Chapter 344 to require state agencies that are subject to Title VI of the federal Civil Rights Act of 1964 to develop a Title VI implementation plan by January 1, 1995; requires annual compliance reports and plan updates, if any; directs the Auditor of Public Accounts to summarize and evaluate the initial implementation plans; directs the Auditor to include a determination of whether Title VI implementation plans and reports have been developed in annual audits of state agencies; directs use of any available federal funds for Title VI implementation to meet any associated costs.

SB 249

AN ACT relating to surface mining operations.

Amends various sections of KRS 350 to redefine surface coal mining operations to include extraction of coal from refuse piles and to redefine "person" to include an instrumentality of government including any publicly owned utility or government corporation; deletes the provision that would allow a hearing to be closed to the public if so ordered by the hearing officer; moves a section relating to demand for a hearing from KRS 350.0305 to 350.0301; allows a party aggrieved by a final order resulting from a hearing under KRS 350.0301(1) on cabinet determinations to appeal to Franklin Circuit Court; but requires that judicial review of a final

ACTIONS OF THE 1994 GENERAL ASSEMBLY

order resulting from a hearing on the issuance of a notice of non compliance, the issuance of an order for cessation and immediate compliance, the assessment of civil penalties, or a bond forfeiture be in accordance with KRS 350.032, and deletes from KRS 350.255 the requirement that the cabinet promulgate administrative regulations for holding hearings and conferences in the county or regional office where the surface mining operation is located, before an independent hearing officer, which provision is included in KRS 350.0301.

SB 255

AN ACT relating to sanitation districts.

Amends KRS 220.135 to provide that, effective July 1, 1995, the operational sewer and drainage system of each city within the multicounty district shall become the property of the sanitation district; specifies that funds in cash accounts or escrow that are obligated to a sewer or drainage system must go to the sanitation district upon the district's assumption of the system, but if the funds came from an unobligated fee or surcharge, they may be used to reduce the city's sewer obligation, or the city may return the funds to its citizens, and if there are unobligated general funds from a sewer system, a city may retain these for its own purposes; permits a city to opt out of the district by September 1, 1994, makes the city solely responsible for compliance with state regulations, provides that municipal subdistricts established prior to July 14, 1994 shall be dissolved and assets shall be transferred to the district unless the city provides by ordinance for the municipal subdistrict to revert to the city, provides that when a municipal subdistrict is dissolved or city sewer and drainage system is transferred to the district, the city or subdistrict shall pay the district 50% of the cost of necessary repairs, allows lump sum or installment payments, permits a city to continue its sewer maintenance surcharge until repairs are paid for, permits any county that joins the district to levy sewer surcharges to enable the county to pay preexisting obligations to the district, permits the district to grant each city or county, for a period of ten years, a credit of up to \$300 for each new residential customer, against the debt created by the dissolution or any other obligation pre-existing on June 30, 1994, prohibits the construction of package sewage treatment plants unless the district approves, requires permitting of private sewage plants by the district or the Natural Resources and Environmental Protection Cabinet, provides that by the year 2000 the district shall assume ownership of public package sewage plants within its boundaries, requires the district to plan for transferring the function of sewage treatment from package plants to central treatment facilities, requires the district to establish uniform rates within its jurisdiction, abolishes the two county advisory board; amends KRS 220.035 to require the county judges/executive to exercise review powers over the district, provides for weighted voting, requires a majority of weighted votes to override the rate recommendations of the district board; amends KRS 220.030 to grant sanitation districts the power to provide for collection and disposal of storm drainage; amends KRS 220.380 to allow sanitation districts to use the financing procedures of KRS 107.010 to 107.220 for infrastructure improvements; amends KRS 220.170 to require that if the district governed by KRS 220.135 has an executive committee, each county shall be represented, permits board salaries of \$3600 annually.

SB 256

AN ACT proposing to amend the Constitution of Kentucky relative to the organizational structure and financing of local government.

Creates new constitutional Sections 156a and 156b, to permit the General Assembly to provide for the creation, alteration, boundaries, consolidation, merger, dissolution, function, and structure of cities; requires the General Assembly to create classifications for cities as specified;

ACTIONS OF THE 1994 GENERAL ASSEMBLY

requires all current laws affecting cities to remain in effect until changed by law, and permits the General Assembly to grant "home rule" powers by law to cities; amends Section 157 of the Constitution to delete references to general obligation debt incurred by local governments; creates new constitutional Section 157b to require local governments to adopt and amend annual budgets for all revenues and expenditures as prescribed; amends Section 158 of the Constitution to limit the indebtedness of local governments based on the assessed taxable property value to 10% for cities having a population of 15,000 or more, 5% for cities having a population of 3,000 to 15,000, 3% for cities with a population of less than 3,000, and 2% for counties and other taxing districts, and permits the General Assembly to establish other limits on indebtedness; requires that all current contracts or obligations of a local government remain in effect until they are renegotiated or expire; repeals Section 156 of the Constitution.

SB 258

AN ACT relating to public contracts.

Creates a new section of KRS Chapter 45A and amends KRS 45A.343 to require the contractor for state and local government contracts awarded after the effective date of the Act to reveal any previous violation of applicable Kentucky laws and to continuously comply with applicable Kentucky laws for the duration of the contract; deems failure to reveal a violation or to comply with laws grounds for cancellation of contract and disqualification from future contracts for a period of two (2) years; requires report of final determination of a violation to cover a period of five (5) years.

SB 262

AN ACT relating to voter registration.

Creates and amends various sections of KRS Chapter 116 to implement the requirements of the National Voter Registration Act of 1993, including the requirement that drivers' license applications contain information to permit applicants to register to vote and make changes of name and address; to designate state public assistance offices, Armed Forces recruitment offices, and agencies providing state-funded services to persons with disabilities as voter registration agencies and to specify their duties; to specify procedures for completing and transmitting voter registration applications to the county boards of elections or the State Board of Elections; to provide procedures for filing a complaint if an applicant's right to register free of undue influence is interfered with; to provide procedures for conducting a purge of ineligible voters by means of the U. S. Postal Service's change-of-address system; to permit voters who have moved to a new precinct to change their addresses and vote at the new precinct on election day; to determine the polling place where a voter who has moved while the voter registration books are closed may vote by providing that a voter who has moved to a different precinct within the same county may vote at the polling place for the new precinct and a voter who has moved to a different county must vote at the precinct for the former address and by providing that the voter must confirm his identity and complete an affidavit which is required of a voter whose right to vote is challenged which must be investigated by the county clerk in the usual manner; to permit the State Board of Elections to establish recordkeeping requirements; and to prohibit the disclosure of the identity of a voter registration agency through which a person registered to vote; amends KRS 186.412 to require drivers' license applications to contain information necessary to permit them to be used for voter registration purposes also; amends KRS 186.540 to require a person possessing a valid driver's license who moves or changes names to apply for a corrected license; repeals KRS 116.125.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 266

AN ACT relating to the disposal of coal combustion by-products.

Amends KRS 350.010 to define coal combustion by-products; creates new sections of KRS 350 to allow the Department of Surface Mining Reclamation and Enforcement to issue a permit authorizing the disposal of coal combustion by-products at surface coal mining operations; excludes from application of the Act, coal combustion by-products for which a special waste formal permit or registered permit-by-rule is required under Chapter 224, and coal combustion by-products that have been mixed with hazardous or low volume waste; requires an application to modify an existing surface mining permit to initially include disposal of coal combustion by-products to be a major amendment; in other cases involving coal combustion by-products, allows for minor revisions unless the cabinet determines otherwise; requires removal of other materials from coal combustion by-products before disposal; confines disposal of coal combustion by-products to the pit or extraction area from which coal was removed - except that disposal may be allowed in other places within the permit area if the applicant demonstrates that no adverse environmental impacts will occur; prohibits disposal of any hazardous component of the coal combustion by-products from being disposed of under the permit; requires maps showing locations and volumes of by-products disposed; requires a lab analysis to characterize the coal combustion by-products; requires newspaper advertisements stating that an application proposes disposal of coal combustion by-products; requires an application to demonstrate the legal right to dispose of coal combustion by-products on the proposed disposal area; requires the application to identify the facility that will generate the coal combustion by-products, a responsible official, components of the by-products, and the coal combustion by-products materials, weight, and volume; requires analysis and a demonstration that each component of the coal combustion by-products does not contain any contaminant at a concentration that exceeds cabinet regulations; requires the application to include a determination of the probable hydrologic consequences of disposal and measures to minimize disturbances; requires a description of measures to be taken to keep the by-products from becoming airborne; requires baseline ground and surface water data and monitoring wells; requires the performance bond required under Chapter 350 to cover disposal of coal combustion by-products when applicable; requires the permittee to comply with environmental performance standards, to include placing the by-products at least four feet above the seasonal high water table unless exempted, limiting the volume of by-products disposed of on the permit area to the volume of the marketable coal seams to be removed, limiting the thickness of the disposed by-products to forty feet at any point, and requiring covering the by-product as contemporaneously as practicable with at least four feet of nonacid-forming spoil material; and requires water quality monitoring and reporting until final bond release.

SB 267

AN ACT relating to plumbers.

Amends KRS 318.040 to allow legal aliens who hold U.S. work permits to apply for plumber's license.

SB 268

AN ACT relating to environmental protection.

Creates and amends sections of KRS Chapter 224; establishes a goal to reduce the amount by weight of certain hazardous waste and toxic chemicals according to a schedule; revises the definition of "hazardous waste reduction"; renames the center for hazardous waste reduction as the center for pollution prevention and revises the membership of the center's board of directors; revises the duties of the center to include pollution prevention; creates a pollution prevention

ACTIONS OF THE 1994 GENERAL ASSEMBLY

fund; requires the cabinet to establish an environmental leadership program to provide incentives to acknowledge the environmental leadership of facilities meeting the pollution prevention goals; declares a policy to protect citizens and the environment from threats associated with the release of toxic chemicals; requires an annual payment into the hazardous waste assessment fund rather than biannually; bases the assessment on weight rather than volume; changes the rate of assessment to one and two-tenths cents per pound from ten cents per gallon or five dollars per cubic yard; limits the authority of the board to promulgate administrative regulations and applies the one and two-tenths assessment on generators of liquid waste and two-tenths of a cent if the waste is solid; revises the hazardous waste assessment fund to require the cabinet to transfer yearly 20% of the fund into the newly created pollution prevention fund; declares that prevention of pollution or reduction of waste at its source is the preferred management option; makes a technical change clarifying that money transferred from the hazardous waste management fund to the pollution prevention fund is subject to the enacted budget bill.

SB 270

AN ACT relating to the administration of oaths.

Amends KRS 62.020 to permit any state or federal judge to administer an oath if that judge has Kentucky jurisdiction.

SB 271

AN ACT relating to wages and hours.

Amends KRS 337.010 to specify those individuals who would be exempt from minimum wage and overtime provisions when caring for sick, convalescing, or elderly persons.

SB 277

AN ACT relating to state government.

Creates a new section of KRS Chapter 42 to establish the Office of State Controller in the Finance and Administration Cabinet; specifies the organization and duties of the Office; amends KRS 12.020 and various sections of KRS Chapters 42 and 61 to conform; designates the Office of Controller as the "state local debt officer"; creates a new section of KRS Chapter 68 to name the Commissioner of the Department of Local Government the state local finance officer; amends various sections of KRS Chapters 15, 45, 65, 66, 83A, 103, and 147A to divide the duties of the state local finance officer between that officer and the state local debt officer; amends KRS 66.310 to limit required state agency notice of proposed county refunding bonds to bonds having a principal amount in excess of ten million dollars; confirm Executive Order 93-1142; amends sections of KRS Chapters 24A, 29A, and 64 to conform; amends KRS 42.410 to direct the Office of Financial Management and Economic Analysis to use tax data to provide information to the Revenue Cabinet; amends KRS 132.020 to conform; amends KRS 131.081 and 131.190 to apply confidentiality requirements to the Office's employees, but permit them to present evidence in tax litigation; establishes and creates new sections of Subchapter 35 of KRS Chapter 154 to authorize the Kentucky Science and Technology Council, Inc., to establish the Kentucky Research and Development Infrastructure under guidelines adopted by the Economic Development Cabinet and the Council; specifies that the Infrastructure consist of two basic research centers and a maximum of six applied research centers under contract with specified universities; defines terms; specifies Council's authority relating to the Infrastructure; establishes the Ky. Research and Development Infrastructure Fund; directs beneficiaries of economic incentive packages approved by the Ky. Economic Development Finance Authority before December 31, 1995, to pay a one-time fee of \$2,500 for the Fund; directs beneficiaries of incentive packages approved after January 1, 1996,

ACTIONS OF THE 1994 GENERAL ASSEMBLY

to pay for the Fund an annual amount equal to 5% of total tax credits and wage assessments taken in the preceding year under the inducement contract, for the term of the contract or agreement; provides for renegotiation of contracts entered into or approved before December 31, 1995, to include annual payment for the Fund; specifies purposes for which money may be allocated from the Fund; authorizes accounts for, and specifies the functions and powers of, the research centers; specifies how universities may qualify to serve as contracting universities for the centers.

SB 278

AN ACT relating to domestic relations

Amends KRS 405.021, relating to grandparents' visitation rights, to insure that grandparents who have assumed financial obligation for child support, when the parent is deceased, shall not owe child support if visitation is not granted.

SB 280

AN ACT relating to investments.

Amends KRS 342.1223 to remove the restriction against investment of funds collected by the Kentucky Workers' Compensation Funding Commission in any corporation, company, partnership, or other business entity, or any bank, investment service firm, or other financial entity which directly or indirectly maintains operations or has financed dealings with the Republic of South Africa.

SB 281

AN ACT relating to elections.

Creates a new section of KRS Chapter 116 to require each city and school district to provide the county clerk with whatever information the clerk needs to use on election day to appropriately code voters who are eligible to vote in city and school board elections; creates a new section of KRS Chapter 117 to authorize petitioning Franklin Circuit Court for a declaration of an election crisis in a county and the appointment of an election manager for that county; creates a new section of KRS Chapter 117 to permit the State Board of Elections to require counties designated as preclearance counties to report all county board of elections' decisions to the State Board of Elections for review and to provide that the failure of a county board of elections for a county designated as a preclearance county to report its decisions to the State Board of Elections for review constitutes a prima facie case for appointment by the Circuit Court of an election manager for that county; amends KRS 39.409 to authorize the Governor to change the place or time of state elections in a state of emergency and to require that the election be rescheduled for the election district for which a state of emergency has been declared for part or all of the election district; amends KRS 117.025 to require the State Board of Elections to employ a training officer to provide assistance to county clerks and county boards of elections in training precinct election officers; amends KRS 117.045 to require the State Board of Elections to promulgate an administrative regulation establishing evaluation procedures for precinct election officers, to preclude service as a precinct election officer by any person who has been convicted of an election law offense or any felony, unless the person's civil rights have been restored by the Governor, to require the appointment of alternate precinct election officers from the original list of nominees for precinct election officers where possible, and to increase the minimum election day pay for a precinct election officer from \$49 to \$60 per day; amends KRS 117.055 to provide that the State Board of Elections will not remit payment for election expenses for a precinct containing fewer than 350 registered voters unless the establishment of the precinct has been approved by the State Board of Elections; amends KRS 117.065 to require the county board of

ACTIONS OF THE 1994 GENERAL ASSEMBLY

elections to ensure that each polling place has access to a telephone on election day; amends KRS 117.075, 117.077, and 117.085 to limit voting by paper absentee ballot to persons with a physical disability or emergency medical condition, incarcerated persons who have not been convicted of the crime, members of the Armed Forces and their dependents, other overseas citizens, and persons who reside outside Kentucky but are still eligible to vote in the state; amends KRS 117.085 to permit other persons who will be out of the county or their precinct on election day to vote on a voting machine at the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections on the twelve working days prior to the election, to require the members of the county boards of elections or their designees to serve as precinct election officers for absentee voting, to permit the appointment of challengers to observe absentee voting, and to permit absentee voting to be conducted on any voting equipment approved by the State Board of Elections; amends KRS 117.086 to conform; amends KRS 117.0863 to prohibit assisting more than two persons in voting in an election; amends KRS 117.087 to conform; amends KRS 117.187 to require the State Board of Elections to conduct training for all members of county boards of elections, to require county boards of elections to provide training for precinct election officers, and to increase the pay for attending a training session from five to ten dollars; amends KRS 117.235 to permit any election officer, county clerk, deputy county clerk, or any law enforcement official to enforce the election laws and maintain law and order within 500 feet of any voting place; amends KRS 117.255 to prohibit a precinct election officer, a county clerk, or any employee of a county clerk from assisting a voter in casting his ballot; amends KRS 117.345 to prohibit the State Board of Elections from remitting payment for election expenses to a precinct containing fewer than 350 registered voters and to prohibit remitting payment for election expenses to a county whose county board of elections has failed to conduct training for precinct election officers; amends KRS 117.995 to subject an election officer who violates an election law to a Class A misdemeanor penalty for the first offense and a Class D felony penalty for subsequent offenses, to create a violation for a person who prepares an incomplete voter assistance form or fails to complete the form when required, and to subject members of a county board of elections to removal for failure to conduct required training; and amends KRS 118.025, 158.060 and 158.070 to require public schools to close on the day of an election and permit those days to be designated as days set aside for professional meetings or for professional development activities.

SB 284

AN ACT relating to workers' compensation.

Amends KRS 342.700 to prohibit a requirement of a waiver of remedies to secure a contract or purchase order.

SB 287

An Act relating to insurance.

Amends KRS 304.2-020 to establish that the Commissioner of Insurance be confirmed by the Senate; makes confirmation apply to appointments made on and after the Act's effective date; amends KRS 304.2-150 to authorize that any information that the department files with the National Association of Insurance Commissioners which the Association makes public, the department will also make public; prohibits the department from charging higher fees than other state agencies for copies of records requested by the public; creates a new position within the department called the early warning analyst, to detect domiciled companies or companies doing a significant amount of business in Kentucky that are in a hazardous financial condition; states duties and lists indicators; amends KRS 304.3-180 to require insurers to file quarterly statements

ACTIONS OF THE 1994 GENERAL ASSEMBLY

as approved by the National Association of Insurance Commissioners; requires insurers to change partners or accountants every four (4) years; amends KRS 304.3-241 to require quarterly statements to be completed in accordance with accounting practices and procedures established by the National Association of Insurance Commissioners; amends KRS 304.32-090 to require domestic corporations subject to subtitle 32 to file quarterly statements using forms and procedures approved by the National Association of Insurance Commissioners; amends KRS 304.43-070 to require that organizations subject to subtitle 43 file quarterly statements with the department; requires domestic insurers to report in writing to the early warning analyst all loans that are ninety (90) days past due and all loans in foreclosure; requires domestic companies to have an appraisal made on all mortgage loans; amends KRS 304.7-020 to allow investments possessed prior to July 12, 1994 to be eligible investments; amends KRS 304.7-050 to prohibit an insurer from having at any one time any combination of investments in any one person aggregating an amount exceeding the lesser of 10% of the insurer's assets or the excess capital and surplus over \$1,250,000; amends KRS 304.7-270 to prohibit an insurer from making investments, other than the investments covered in KRS 304.7-053 (3), in an aggregate amount not over the lesser of 10% of its assets or the excess capital and surplus over \$1,250,000; amends KRS 304.33-160 to require the commissioner to appoint one or more special deputies who are active or retired executives from a successful insurer to act as rehabilitators; creates a new section to require the rehabilitator to appear before the committee two (2) weeks, after the rehabilitator has made a recommendation to the court to hear their comments; after the recommendation has been filed with the court all agreements of confidentiality will be null and void, and if an insurer is in receivership beyond a two (2) year period, the rehabilitator will appear before the committee to give a status report regarding the company in receivership; creates a new subtitle of KRS Chapter 304 to establish a definitional section; creates definitions of a "fraudulent insurance act"; establishes penalties for conviction of fraudulent insurance acts; allows restitution to be made, and establishes a cause of action for an insurer damaged as a result of a violation of the fraud statute; establishes that each application and claim must clearly state that knowingly and intentionally defrauding any insurer is a crime; establishes that fraudulent insurance acts must be disclosed by any person with knowledge of such acts, that they must be reviewed by the Insurance Fraud Unit, and that the unit must report any alleged violations of law to the appropriate licensing agency; establishes that in the absence of malice, fraud, or gross negligence, a person is not subject to civil liability by virtue of filing reports or furnishing other information required by the Insurance Code, and that documentation that is relevant to an investigation not be made public; creates an insurance fraud unit within the department, staffed by special investigators with general police powers; directs the investigators to report fraud to prosecuting authorities; exempts a person from civil liability for filing reports or furnishing information to the fraud unit absent malice, fraud, or gross negligence; directs insurers to maintain an in-house fraud unit; removes the commissioner of the Department of Insurance from the Kentucky Public Employees Deferred Compensation System Board; establishes that fines and penalties will be levied against department examiners and the commissioner for failing to take action if they have knowledge that an insurer is statutorily insolvent or in a hazardous financial condition.

SB 289

AN ACT relating to lead hazard reduction.

Requires the appropriate committee of the Legislative Research Commission to study lead hazard reduction in the state and report findings not later than October 31, 1995.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 301

AN ACT relating to certification of official editions of the Kentucky Revised Statutes.

Amends KRS 7.138, relating to certification of official editions of the Kentucky Revised Statutes, to permit the Legislative Research Commission to designate an electronic version of an official printed edition of the statutes as an official electronic version upon certain conditions.

SB 303

AN ACT changing the classification of the City of Hurstbourne Acres, in Jefferson County.

Reclassifies the City of Hurstbourne Acres, population of 1072, in Jefferson County, from a city of the sixth class to a city of the fifth class. Section 156 of the Kentucky Constitution requires a population of 1,000 to 3,000 for a city of the fifth class.

SB 305

AN ACT relating to the Cabinet for Workforce Development.

Amends KRS 151B.010, relating to definitions for the Workforce Development Cabinet, to delete vocational rehabilitation from the definition of region; amends KRS 151B.035 to require the transfer of accrued annual, compensatory, and sick leave for employees transferring to or from the KRS Chapter 18A personnel system; amends KRS 151B.055, relating to dismissal hearings for employees with continuing status, to permit delay of a pretermination hearing upon agreement of both parties to a later date, changes handicap to disability, requires the board to mail notices to the last known address, and provides that this mailing fulfills the responsibility to serve notice by mail; amends KRS 151B.080, relating to lay-off policies, to specify that priority for hiring be given employees laid off by the Department for Adult Education and Literacy and the Department for Technical Education; amends KRS 151B.125, relating to the GED certificate, to require teacher training in teaching writing skills to adults, and to permit the department to contract annually for scoring GED essays; amends KRS 151B.215, relating to the Kentucky Occupational Information Coordinating Committee, to add the Commissioner of the Department of the Blind as a member and makes other technical changes; amends KRS 163.470, relating to the Department for the Blind, to require a biennial report, as opposed to an annual one and eliminates the Office of Support Services; amends KRS 151B.050, 151B.150, and 151B.200, to make technical changes; repeals KRS 163.038 relating to the Computer Services for the Blind Corporation.

SB 307

AN ACT relating to the simulcasting of horse races.

Amends KRS 230.377 to allow an instate racetrack to receive simulcasting of not more than 2 full cards of racing from another state, if both tracks race horses of the same breed, and if the race date was scheduled, if live racing was canceled due to the weather, and if the Kentucky Thoroughbred Owners and Breeders Association, Inc., Kentucky Division of the Horseman's Benevolent and Protective Association, for thoroughbred races, and the Kentucky Harness Horseman's Association, for harness racing, and any track conducting live horse races of the same breed at the same time approves.

SB 308

AN ACT relating to insurance.

Creates a new section of Subtitle 20 of KRS Chapter 304 to require that an insurer shall not refuse to issue a policy of motor vehicle liability insurance, nor impose an additional premium solely because the person is uninsured at the time of reapplication if: during the time period that

ACTIONS OF THE 1994 GENERAL ASSEMBLY

he was uninsured he did not own a motor vehicle, or the registration was canceled, or the vehicle was out of commission, or he was unable to pay the premium due to unemployment, or other bona fide economic hardship; during time period that he was uninsured he was not convicted of a traffic violation; and reapplication was made within 24 months of the nonrenewal of the policy; establishes that the owner or operator of the vehicle will not operate the vehicle until insurance has been purchased.

SB 311

AN ACT relating to health care decisions.

Creates new sections of KRS Chapter 311 to establish requirements for living will directives relating to health care decisions; defines terms; permits an adult to make a written living will directive directing the withholding or withdrawal of life-prolonging treatment or artificially provided nutrition and hydration, and affording the opportunity to designate another person as a health care surrogate to make health care decisions on their behalf; sets forth the form of a living will directive which includes the designation of a health care surrogate; limits persons who may witness a directive or act as a health care surrogate; provides for the revocation of a living will directive; specifies that oral revocation of an advance directive be in the presence of two adults, one of whom shall be a health care provider; sets forth powers of a health care surrogate; requires artificially provided nutrition and hydration to be provided except under specified circumstances; requires persons making a living will directive to inform the person's attending physician of such directive; provides for transfer of a patient when the attending physician refuses to comply with a living will directive; prohibits health care providers from being disciplined for refusing to comply with a living will directive on moral, religious, or professional grounds; exempts health care providers from criminal liability for complying with a living will directive; provides that withholding or withdrawal of life-prolonging treatment does not constitute suicide; prohibits the requirement that a person execute a living will directive as a condition of receiving health services or purchasing health insurance; provides that the Act does not restrict the ability of an adult to make advance directives outside of the provisions of the Act; specifies that this Act does not condone, authorize or approve mercy killing; provides that a person who falsifies or destroys a living will directive of a health care surrogate be civilly liable; repeals KRS 311.622, 311.624, 311.626, 311.628, 311.630, 311.632, 311.634, 311.636, 311.638, 311.640, 311.642, 311.644, 311.970, 311.972, 311.974, 311.976, 311.978, 311.980, 311.982, 311.984, and 311.986.

SB 314

AN ACT relating to the Local Superintendents Advisory Council.

Creates a new section of KRS Chapter 156 to establish a local superintendents advisory council composed of 11 local school district superintendents appointed by the Legislative Research Commission; the council shall advise the chief state school officer and the State Board for Elementary and Secondary Education on all administrative regulations and educational policies; the chief state school officer shall submit all proposed administrative regulations and proposed policies to the council prior to submitting to the State Board for Elementary and Secondary Education; authorizes a local board of a school district that exceeds its assessment threshold to seek waivers from certain State Board administrative regulations.

SB 316

AN ACT relating to smoking policy.

Creates a new section of KRS Chapter 61 to allow the adoption of a smoking policy in office buildings or workplaces by state, county, municipal, special district, or urban-county

ACTIONS OF THE 1994 GENERAL ASSEMBLY

governments; requires any smoking policy in state buildings to be by executive order of the Governor or action of the General Assembly, to require the governmental authority to provide accessible indoor smoking areas in any building where smoking is otherwise restricted, and to favor allowing smoking in open public areas where ventilation and air exchange are adequate; requires the policy for local governments to include the above provisions except that those policies must be adopted by the legislative body and be in writing; exempts the following entities from the smoking policy requirements of the Act: state universities, state-operated hospitals and residential facilities for the mentally ill and the mentally retarded, state-operated veterans' nursing homes and health facilities, and jails or detention facilities; creates new sections of KRS Chapter 438 to prohibit sale of tobacco products dispensed through a vending machine to any person under the age of 18; requires vending machine from which tobacco products are dispensed to be located in the line of sight of the cashier for the retail establishment; provides for a fine of \$10 to \$25 for each violation; requires owners of retail establishments to notify employees that sale of tobacco products to any person under the age of 18 is prohibited; provides for enforcement by the Department of Agriculture of provisions relating to retail establishments where tobacco products are sold; requires the department to conduct annual, random, unannounced inspections of retail establishments to assure compliance; allows use of persons under 18 to test compliance if parental consent has been obtained; allows the department to keep all fines collected from retail establishments which violate provisions related to sale of tobacco products to persons under 18; authorizes the department to promulgate administrative regulations to implement these provisions; amends KRS 438.045 to decrease fines for retailers selling tobacco products to persons under 18; repeals and reenacts KRS 365.395 as a new section of KRS Chapter 438, and amends it to increase fines for wholesalers, retailers, or manufacturers who distribute tobacco products to persons under 18; creates a new section of KRS Chapter 438 to specify that the provisions of the Act relating to sale of tobacco products to persons under 18 shall supersede any subsequently enacted local law, ordinance, or regulation which relates to the use, sale, or distribution of tobacco products.

SB 319

AN ACT relating to interpreters in judicial and administrative proceedings.

Amends KRS 30A.400, 30A.405, 30A.410, 30A.415, 30A.430, 30A.435, and 344.500 relating to interpreters in judicial and administrative proceedings, to bring Kentucky statutes into compliance with the provisions of the Americans with Disabilities Act.

SB 320

AN ACT relating to harness racing at county fairs.

Amends KRS 137.170 to exempt race tracks with an average daily handle of \$25,000 or less from the license tax; amends KRS 138.510 to exempt harness racing at county fairs from the excise tax on pari-mutuel racing; and amends KRS 138.480 to exempt harness racing at county fairs from the state tax on race track admissions.

SB 331

AN ACT relating to employment.

Creates a new section of KRS Chapter 336 to prohibit an employer from requiring, as a condition of employment, a waiver by an employee or prospective employee of the employee's rights under any state or federal law.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SB 337

AN ACT relating to assault in the third degree.

Amends KRS 508.025, relating to assault in the third degree to include assault of an employee of a state residential treatment facility or state secured facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with delinquency or adjudicated delinquent because of a public offense or as a youthful offender.

SB 343

AN ACT relating to the Interlocal Cooperation Act.

Amends KRS 65.230 to allow private institutions of higher education to participate in interlocal agreements with state or local government agencies, state-supported colleges, and school districts; requires Attorney General to determine constitutionality of a proposal when it is submitted for review.

SB 344

AN ACT relating to the Flood Control Advisory Commission.

Amends KRS 151.560 to require the Governor to make all the appointments to the Flood Control Advisory Commission, rather than allowing some appointments to be made by the Legislative Research Commission; increases the membership from 15 to 16 by adding the commissioner of the Department of Local Government; abolishes the staff positions of the commission and requires the Department of Local Government to provide staff services for the commission through the created Division of Flood Control; deletes the requirement for a line item budget appropriation; creates a new section of KRS Chapter 147A to create the Division of Flood Control within the Department of Local Government.

SB 346

AN ACT relating to economic development.

Amends KRS 154.50-310(2)(3), relating to definitions used in the Local Industrial Development Authority Act, to include under the term "industrial sites, parks and subdivision" improvements thereon, including buildings, fixtures and equipment suitable for manufacturing and industrial and commercial establishments; includes under the term development of land used for manufacturing and include construction and equipping of buildings; amends KRS 154.50-320(1)(d), regarding functions of local industrial authorities power to lease and sell industrial sites, parks and subdivisions for purposes of manufacturing as well as for industrial or commercial facilities; amends KRS 154.50-340(2) to permit local industrial development authorities to issue notes and other financial instruments as well as to borrow money, and to pledge industrial sites, parks and subdivisions as security for its debt.

SB 348

AN ACT relating to districts.

Amends KRS 5.121, 5.127, and 5.129 to move Clay County precinct C102 Oneida from Senate District 27 to Senate District 21; moves Leslie County precinct D104 Midway from Senate District 21 to Senate District 29; moves that part of Roley precinct in Adair County currently in the Second Congressional District to the First Congressional District; moves that part of Lawrence County in the Fourth Congressional District to the Fifth Congressional District, uniting Lawrence County in the Fifth Congressional District; moves Bakersville precinct and that part of Rafferty precinct in Nicholas County currently in the Fourth Congressional District to the Sixth Congressional District, uniting Nicholas County in the Sixth Congressional District; moves Porter

ACTIONS OF THE 1994 GENERAL ASSEMBLY

precinct in Scott County, currently in the 26th Senatorial District, to the 30th Senatorial District, uniting all of Scott County in the 30th Senatorial District; makes congressional district changes and change in Senatorial Districts 26 and 30 effective November 9, 1994.

SB 351

AN ACT relating to motor vehicle accidents.

Amends KRS 189.635 to require that accident reports be confidential and exempt from public disclosure; reports are open for public disclosure pursuant to a properly executed subpoena or court order; provides news publishers and broadcasters access to accident reports, rather than summaries, for journalistic purposes only; prohibits distribution for commercial purposes.

SB 361

AN ACT relating to liability self-insurance groups.

Amends KRS Chapter 304 (The Insurance Code) and establishes Subtitle 46 of KRS Chapter 304 to establish minimum standards for liability self-insurance groups to assure that such groups are providing adequate coverage for professional or public liability risks; amends Section 1 to establish that no other provision of KRS Chapter 304 shall apply to liability self-insurance groups unless expressly stated; amends Section 4 to establish that a certificate of filing is required of a liability self-insurance group; amends Section 5 to require that a copy of the agreement between the group and each member regarding compliance with this subtitle be filed with the commissioner, that liability self-insurance groups may limit group members' joint and several liability, and that the limits will be determined in terms of annual contributions; amends Section 7 to establish that a liability self-insurance group shall have sufficient financial strength to pay all of the group's liabilities in order to obtain and maintain its certificate of filing, and that if the commissioner is not satisfied with their financial strength he may require that the group obtain additional financial strength in an express manner; amends Section 10 to establish that agents can be appointed or sponsored by a liability self-insurance group; amends Section 11 to establish that data obtained from an examination shall be subject to the provisions of KRS 304.2-210 to 304.2-290; amends Section 17 to require that all liability self-insurance groups file a financial statement with specific information with the commissioner, audited by an independent certified public accountant on or before one-hundred and twenty (120) days from the end of the group's fiscal year; amends Section 22 to establish that a liability self-insurance group's certificate of filing may be revoked or suspended if it directs someone to falsely misrepresent its services, engages in unfair or deceptive practices, or fails to correct a violation of this subtitle or administrative regulation within a reasonable time period, and that a certificate of filing shall be suspended or revoked only after compliance with KRS 304.2-310 to 304.2-370; amends Section 24 to establish that a liability self-insurance group shall not engage in unfair claims settlement practices or commit unfair or deceptive acts; creates a new section to require a liability self-insurance group to levy an assessment upon its members if its assets are insufficient to pay its obligations, and if the deficiency occurs in a fund year, to establish how the deficiency will be made up, and to authorize the commissioner to take certain initiatives if the liability self-insurance group fails to cure the deficiency; and creates a new section to establish fines and penalties for violations of this subtitle.

SB 367

AN ACT relating to boards and commissions.

Encourages proportional minority representation on state boards and commissions by allowing the Governor, in cases in which lists of nominees are submitted to him, to appoint a minority even if the list of nominees does not include a minority group member; defines "minority"

ACTIONS OF THE 1994 GENERAL ASSEMBLY

as meaning American Indian, Alaskan native, African-American, Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin, Pacific Islander, or other ethnic groups underrepresented on state boards and commissions.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SENATE RESOLUTIONS

SJR 10

Directs the State Board for Adult and Technical Education and the Workforce Development Cabinet to name the main building on Kentucky Tech West Campus in Paducah the "D. H. Anderson Technical Building."

SJR 13

Directs the Governor to comply with federal mandate by submitting a written certificate to the U.S. Secretary of Transportation stating that the Kentucky General Assembly is opposed to enacting the major provisions of Public Law 101-516.

SJR 27

Directs the Transportation Cabinet to name a bypass near Mount Washington the Harold Bradley Allgood Memorial Highway, and place appropriate signs to be paid for by the family of Harold Bradley Allgood.

SCR 44

Honors Dr. Sean MacBride and supports his principles.

SJR 51

Directs the Transportation Cabinet to designate a portion of Kentucky Route 80, the "Carl D. Perkins Parkway"; renames the Green River Parkway the "William H. Natcher Parkway"; renames Interstate 24 in McCracken County after Henry Ward.

SJR 68

Directs the Cabinet for Economic Development to conduct a study of businesses owned by women in the Commonwealth; establishes a nine (9) member task force on businesses owned by women appointed by the Governor to assist in the study activities; requires a report and recommendations by October 1, 1995.

SCR 74

Creates a 19-member commission to be appointed by the Legislative Research Commission to study poverty in Kentucky; sets forth membership of commission; requires commission to study the causes of poverty and the mitigation thereof; requires commission to submit findings to the Legislative Research Commission by August 31, 1995; estimates staff services at \$30,000.

SJR 82

Requests the State Board for Elementary and Secondary Education review the school facilities planning process; requests the board report its findings to the Interim Joint Committee on Education by March 15, 1995.

SCR 84

Directs the Interim Joint Committee on Education to study planning and reporting requirements for local districts and schools; requires the completion of a report to the Legislative Research Commission by July 1, 1995.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SCR 86

Directs the Interim Joint Committee on Economic Development to conduct a study of workforce training efforts as specified; requires a report by October 1, 1995, to the Legislative Research Commission.

HOUSE BILLS

HB 3

AN ACT relating to jurisdiction over the Federal Correctional Institution site at Manchester, Kentucky, and declaring an emergency.

Creates a new section of KRS Chapter 3 to cede concurrent civil and criminal jurisdiction over the Federal Correction Institution at Manchester, Kentucky; EMERGENCY.

HB 4

AN ACT relating to fire protection.

Creates new sections of KRS Chapter 75 to require the Commission on Fire Protection Personnel Standards and Education to promulgate regulations concerning the recognition and certification of volunteer fire departments; requires that volunteer departments be organized pursuant to KRS 75.010, 67.083, KRS Chapter 95, or KRS Chapter 273; gives existing departments receiving volunteer fire department aid until July 1, 1995, to comply with regulations; requires new departments to comply according to the requirements of KRS 95A.262(2), requires the commission to supply forms; requires a department to attach a map and verbal description of boundaries on its application and requires the map to be filed with the county clerk; permits the boundaries between departments created pursuant to KRS Chapter 273 to be altered by mutual written agreement; requires departments created pursuant to KRS Chapter 273 to file an annual report with the commission; requires financial statements; limits fire department aid, low interest loans, and firefighter incentive pay to recognized and certified departments; defines the rights of certified departments created pursuant to KRS Chapter 273, requires the appointment of a chief who shall establish a chain of command; defines the authority of the chief; provides for allowable fees for fighting fires on property of persons who do not pay membership fees to departments which charge membership fees; requires disputes about charges to be submitted to arbitration by the commission; requires a department to respond to all fires within its jurisdiction, and to all other emergencies as set forth in its mission statement; provides for collecting firefighting fees from insurance companies; provides that this Act shall not be construed to supersede the authority of the Natural Resources Cabinet or the Division of Disaster and Emergency Services; amends KRS 95A.262 and 75.100 to conform.

HB 6

AN ACT relating to timber.

Amends KRS 364.130 to increase the civil penalty for unauthorized cutting of timber with intent to convert to own use from single damages to triple damages, as well as legal costs incurred by the owner of the timber; permits a court to set single damages rather than triple damages if the defendant can certify that: (1) he had authorization prior to the cut from the person he believed to be the landowner; and (2) he had notified owners of adjacent land of the pending cut and no objections were raised; requires notice to be by certified mail, restricted delivery and return receipt requested; specifies for purposes of setting penalties only, that it is presumed that owners of land adjacent to the proposed cut have no objection if they do not object in writing within seven days of signed receipt of notice.

HB 7

AN ACT relating to heating, ventilation, and air conditioning contractors.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Creates new sections of KRS Chapter 198B to define terms as used throughout the Act; establishes a Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors within the Department of Housing, Buildings, and Construction and establishes board composition, procedures for appointment, qualifications, chairman, quorum, compensation, and vacancy provisions; establishes powers and duties of the board; prohibits the practice or use of certain titles unless licensed or certified by the board; establishes qualifications for licensure and certification; establishes requirements for applications and examinations; automatically licenses, and provides for licensure of, certain qualified heating, ventilation, and air conditioning contractors upon application made prior to July 1, 1995, and requires testing of licensees after July 1, 1995; provides for license and certificate renewals and restoration and provides for inactive status for licensees; provides for reciprocity; requires general liability insurance and property damage insurance; prohibits unlicensed master heating, ventilation, and air conditioning contractor from advertising; establishes sanctions and reasons for sanctions; establishes exemptions for employees of HVAC contractors, employees of the US government practicing on federal property, owners of property practicing on property owned and occupied by the individual, the installation of window air conditioning units, boiler devices, engineers, routine maintenance, public utilities, entities under the jurisdiction of the Public Service Commission, the original sale of mobile homes, certain general retailers, electricians, and individuals in connection with the Cabinet for Human Resources' weatherization program; establishes a fee schedule; requires a master heating, ventilation, and air conditioning contractor to be in responsible charge of all work conducted by a firm; requires licensees working for companies to notify the board of such employment and upon termination of employment, and prohibits licensees from being employed by more than one firm; prohibits conflict of interest by inspectors; extends the board's jurisdiction to include licensees and certificate holders who have been sanctioned and requires the board to notify local jurisdictions of sanctioned licensees and certificate holders; provides for continuing education requirements; establishes penalties; requires installation of HVAC systems in conformity with the Uniform State Building Code; and cites the Act as the Heating, Ventilation, and Air Conditioning Contractors' Act.

HB 9

AN ACT relating to liens.

Amends KRS 376.010 relating to mechanics and materialmen's liens to include owners of equipment rented to contractors.

HB 13

AN ACT relating to revenue and taxation.

Amends KRS 138.450 to provide that in determining "retail value" for motor vehicle usage tax purposes for wrecked vehicles, the estimate of repair and the wrecked condition of the vehicle be physically verified by a certified inspector as designated by the county sheriff pursuant to KRS 186A.115; provides new definitions for dealer demonstrators and previous model year vehicles to permit a different valuation for motor vehicle usage tax other than that used for new vehicles; amends KRS 138.470 to include transfers between stepparent and stepchild in the exemption from motor vehicle usage tax.

HB 14

AN ACT relating to cemetery lots.

Amends KRS 381.715, relating to abandoned cemetery lots, to make the provisions applicable to all cities.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HB 18

AN ACT relating to tobacco.

Repeals KRS 248.470, which created the "Tobacco Labor Fund" for contracting with an organization to provide labor to tobacco producers for setting, cutting, housing, and stripping tobacco.

HB 19

AN ACT relating to motor vehicle registration.

(Prefiled by the sponsor indicated, with a recommendation for passage from the Interim Joint Committee on Transportation.)

Amends KRS 186A.035 to state that a motor vehicle jointly owned by a husband and wife shall include right of survivorship, unless the registration states to the contrary.

HB 31

AN ACT relating to property taxes.

Amends KRS 132.454 to delete the provisions requiring deferred tax be assessed in the current tax year when agricultural or horticultural land is converted to some other use; provides that the provisions of this Act are effective for tax years beginning on or after January 1, 1994.

HB 32

AN ACT relating to insurance.

Amends KRS 304.1-120 to exempt from the insurance code certain religious publications and their subscribers; requires that a religious publication exempt from KRS Chapter 304 include a written disclaimer as a separate cover sheet; restricts activities of exempt religious publications.

HB 33

AN ACT relating to the Council on Higher Education.

Amends KRS 164.011 to require that at least one (1) of the lay members appointed by the Governor to the Council on Higher Education shall be an undergraduate recipient from an independent, nonprofit college or university licensed by the Council.

HB 35

AN ACT relating to school employees.

Amends KRS 161.163 to specify that classified employees, as well as certified employees, shall not be required to disclose their religious affiliation on any school district application.

HB 36

AN ACT relating to the provision of medical and related care and treatment.

Creates a new section of KRS Chapter 42 to require insurers offering medical professional liability insurance to make available such coverage for charitable health care facilities and persons volunteering to perform medical services at such facilities; requires policies to be subject to reasonable underwriting guidelines; restricts coverage to facilities or medical caregivers who are not covered by any policy of medical professional liability insurance; directs the secretary of finance to levy a one dollar (\$1) annual fee on the licenses of physicians and attorneys; directs secretary to establish a fund from which premiums are paid for insurance coverage for charitable health care facilities; restricts coverage only to the extent of available funds; permits the secretary

ACTIONS OF THE 1994 GENERAL ASSEMBLY

to retrospectively review premiums each 5 years to determine insurers providing the coverage made a profit and report to the Legislative Research Commission.

HB 40

AN ACT relating to motor vehicles.

Amends KRS 186.021, relating to registration of motor vehicles on which ad valorem taxes are delinquent, to permit a person purchasing a motor vehicle to pay any delinquent taxes due on the vehicle to facilitate transfer of registration; prohibits county clerk from requiring person to pay delinquent taxes due on all other motor vehicles owned by the owner of record from which he is purchasing motor vehicle as a condition of registration; includes leased vehicles in the provisions for which a tax lien does not attach to the vehicle.

HB 41

AN ACT relating to motor carriers.

Amends KRS 281.670, relating to the revocation, suspension, or alteration of a permit to operate as a motor carrier, to authorize the department of vehicle regulation to revoke or suspend the permit of a motor carrier if an employee of the carrier has failed to comply with a citation or summons issued for a violation that is not covered by the nonresident violator compact; permits the motor carrier to dispose of the citation or summons if the employee fails to do so; requires the department to notify the carrier of a citation or summons; gives a motor carrier 60 days from the notice of a citation or summons to satisfy the violation; requires a motor carrier to be notified within 15 days of a driver operating under the carrier's permit who has been cited and convicted of any moving or nonmoving traffic violation.

HB 43

AN ACT relating to boiler inspection fees.

Amends KRS Chapter 236 to increase boiler inspection fees and makes technical changes in conformity with KRS Chapter 13A.

HB 45

AN ACT relating to donations for free public libraries.

Creates a new section of KRS Chapter 173 to require that in counties containing a city of the first class which have entered into a compact with the city, the county clerk shall offer the citizens the opportunity to donate to the free public library when they register a vehicle pursuant to KRS 186.030, entitles the clerk to the same commission as that payable on county taxes pursuant to KRS 134.805.

HB 46

AN ACT relating to superintendent screening committees, and declaring an emergency.

Amends KRS 160.352 to define "minority"; requires that if a minority member is not elected or appointed in districts with a population of eight percent (8%) or more, the committee membership shall be increased to include one (1) minority parent; requires this minority parent member to be elected by the minority parents in an election conducted by the local school board; EMERGENCY.

HB 47

AN ACT relating to motor vehicles.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 189.271 to authorize the Transportation Cabinet to issue special overdimensional permits to motor vehicles hauling industrial materials; prohibits the Cabinet from issuing a permit to a vehicle if it exceeds maximum dimension limits set by KRS 189.222; includes agricultural products in the definition of industrial materials; amends KRS 186.005 to require multiyear license plates for vehicles registered under KRS 186.050(3)(a), (4)(a), (5), (6), or (11); amends KRS 186.050 to delete the reference to "Housecars" and inserts in lieu thereof "Recreational Vehicles"; requires multiyear license plates on recreational vehicles.

HB 48

AN ACT relating to state policy on geographic information systems.

Creates new sections of KRS Chapters 42 and 61, relating to the Finance and Administration Cabinet and Information Systems respectively, to establish an Office of Geographic Information to coordinate geographic information system development in state and local government; establishes a Geographic Information Advisory Council to advise that office on GIS standards and develop a statewide plan to be reported to the Governor, the legislative and judicial branches, and the Kentucky Information Systems Commission; provides that appointment of the executive director of the Office of Geographic Information be subject to the provisions of KRS 12.050; provides for membership and enumerates duties of the council; amends KRS Chapter 42 to add definitions.

HB 49

AN ACT relating to school employees and declaring an emergency.

Amends KRS 156.111 and KRS 160.350 to allow all superintendents hired for the first time as a superintendent in Kentucky after June 30, 1994 a one year period from the time they are employed to complete the Superintendent Training and Assessment Process; amends KRS 156.105 to allow newly hired principals one year to complete the assessment process; makes provisions applicable to superintendents hired after June 30, 1994; EMERGENCY.

HB 50

AN ACT relating to classified employees.

Amends KRS 161.011 to require local districts to enter into written contracts with classified school employees; requires districts to develop and provide written policies for: terms and conditions of employment; fringe benefits and lay off procedures; and discipline guidelines; requires that the evaluation of these policies be subject to review by the Department of Education when conducting district management audits; changes from mandatory to permissive, a local school district's responsibility to provide training opportunities for classified employees; provides that copies of registry listings of vacant positions be made available at cost to interested parties.

HB 51

AN ACT relating to speech-language pathology.

Creates and amends various statutes in KRS Chapter 334A, to establish and define a "speech-language pathology assistant"; lists tasks that may be delegated to a speech-language pathology assistant; authorizes the Kentucky Board of Speech-Language Pathology and Audiology to waive the examination and educational requirements for certain applicants for licensure as a speech-language pathology assistant; allows the board to grant licensure under certain circumstances until March 1, 1995; clarifies that the Education Professional Standards Board has responsibility for teacher certification; provides that the supervisor of a speech-language pathology assistant shall have his caseload increased no more than 2/3 of the caseload

ACTIONS OF THE 1994 GENERAL ASSEMBLY

established by administrative regulation; provides that a speech-language pathology assistant employed by a local school district receive the same salary and benefits available to certified teachers with Rank III and corresponding experience; clarifies that a speech-language pathology assistant is subject to the penalties established by KRS 334A.990; exempts speech-language pathologists certified by the Department of Education from the requirements of KRS 334A.035; amends various statutes to conform.

HB 52

AN ACT relating to the Capital Projects and Bond Oversight Committee.

Creates a new section of KRS 45.760 to 45.810 to require the Capital Projects and Bond Oversight Committee, in its review of a project, to determine whether the project has met certain statutory requirements; permits the committee, if it determines any requirement has not been met, to request, by majority vote, the Legislative Research Commission to file a civil court proceeding to seek an injunction to prohibit further action; requires the determination to be made by a separate action of the committee with the approval of at least two-thirds of the membership; permits the action to be taken before, during, or after compliance with the provisions of KRS 45.800(2) or 45.810(3), where applicable.

HB 56

AN ACT relating to information resources management.

Amends KRS sections 61.945 and 61.950, relating to the Kentucky information systems commission, to rename as the Kentucky information resources management commission; reduces membership from 17 to 12 by removing representatives of the constitutional officers, the administrative office of the courts, and the public, and adding in lieu thereof three cabinet secretaries, the state budget director, a representative of the public universities, the executive director of the Kentucky Authority for Educational Television, and two citizen members with information resources management experience; amends commission charge to include the development of a five-year statewide information resources plan with strategic initiatives; makes commission responsible for monitoring implementation of initiatives by executive branch agencies and reporting semi-annually to the legislature and the governor's office of policy and management; prohibits the Kentucky Information Resources Management Commission from extending its authority over the judicial or legislative branches of state government; creates an office of information resources management in the finance and Administration Cabinet to assist the commission; provides a director and permanent staff for the office; creates a new section of KRS Chapter 61 to add definitions.

HB 58

AN ACT relating to deputy sheriff merit training programs.

Amends KRS 70.263 to permit bailiffs under the deputy sheriff merit system to substitute law enforcement training which is acceptable to the Administrative Office of the Courts for training otherwise required of deputy sheriffs.

HB 62

AN ACT relating to programs for firefighters and law enforcement personnel.

Amends KRS 95A.030 to require a majority of the members for a quorum of the Commission on Fire Protection Personnel Standards and Education; amends KRS 95A.050 to require the written request of a majority of the members, rather than 5, to call a meeting; amends KRS 15.430 and 95A.220 to provide that in the Law Enforcement Foundation Program and

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Firefighter Foundation Program trust and agency accounts, moneys remaining at the end of the fiscal year in excess of three million dollars, instead of one million dollars, shall lapse; amends KRS 136.392 to provide that insurance premium surcharge funds collected from policyholders of any mutual company, cooperative, or assessment fire insurance company shall either be deposited in the State Treasury and paid monthly to the Firefighters Foundation Program, or be paid into the Firefighters Foundation Program and the Law Enforcement Foundation Program.

HB 64

AN ACT relating to open records of public agencies.

Creates a new section and amends various sections of KRS Chapter 61, relating to the Open Records Law, to declare legislative intent; adds definitions for media, mechanical processing, software and commercial purpose; includes software in the definition of public record; exempts from public inspection and copying records developed by public agencies regulating financial institutions; allows copying of public record in standard electronic or paper format; allows public agency to prescribe a reasonable fee for making copies in specialized formats to include the cost of the media and any mechanical processing; permits public agencies to recover costs, including those for media, mechanical processing and personnel to provide copies of public records for a commercial purpose; specifies that "commercial purpose" use of a public record does not include preparation for prosecution or defense of litigation by an individual or his attorney; specifies that commercial purpose provisions shall not apply to the Board of Elections; makes discretionary whether an agency provides public records in a custom format for noncommercial purposes; makes violators of commercial purpose provisions liable for treble damages to agency from which public records were obtained; repeals KRS sections 61.960, 61.965, 61.970, and 61.975, to remove distinction between geographic information systems and other electronic records systems.

HB 68

AN ACT relating to education.

Amends KRS 157.520, relating to experimental education programs, to permit the State Board to approve experimental programs relating to the school month or year term without the three district limitation; authorizes a local board to adopt a schedule that has at least the equivalent of six hours of daily instruction throughout the school year.

HB 71

AN ACT relating to motor vehicle insurance.

Amends KRS 304.99-060 to establish that an owner or operator who fails to have motor vehicle insurance is subject to a ninety (90) day jail sentence, or a fine, or both; and for the second and each subsequent offense within any five (5) year period, the owner or operator is subject to a jail sentence of one-hundred and eighty (180) days, or a fine of one thousand dollars (\$1000) to two thousand five hundred dollars (\$2500), or both.

HB 72

AN ACT relating to state financial administration.

Amends KRS 45.750 to clarify the definition of capital projects.

HB 74

AN ACT relating to economic assistance for local governments.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Adds workforce training to the Local Government Economic Assistance grant expenditure priorities and to the definition of "industrial development project".

HB 75

AN ACT relating to motor fuels.

Amends KRS 138.358 to expand the exemption from special fuels tax for agricultural purposes to include special fuel "customer pickup" as well as delivery; specifies that the sales by retail filling stations do not qualify.

HB 79

AN ACT relating to abandoned property.

Amends KRS 393.020, 393.040, 393.060, 393.064, 393.070, 393.080, and 393.090 to provide that property is considered abandoned after seven years; amends KRS 393.110 to require holders of abandoned property to file reports on or before August 1, to increase the value of property for which individual listing is required to \$100, and to require listed property to be turned over to the cabinet by January 1; amends KRS 393.140 to increase amount for which posting is required to \$100; amends KRS 393.150 to make technical changes; amends KRS 393.250 to require costs to be paid out of abandoned property receipts.

HB 80

AN ACT relating to revenue and taxation.

Creates a new section of KRS Chapter 131 to define the term "electronic fund transfer"; provides that the cabinet may require all taxpayers, whose average monthly liability for the tax imposed under KRS Chapter 139 or whose average monthly liability for the tax required to be withheld under KRS 141.310 exceeds \$25,000, to remit that tax by electronic fund transfer; amends KRS 131.180 to conform; provides for effective date for taxable periods beginning after December 31, 1994.

HB 81

AN ACT relating to property tax.

Amends KRS 132.487 to provide that any taxing district that fails to submit the ad valorem tax rate on motor vehicles by October 1 of the year preceding the assessment date shall receive the rate in effect for the prior year; amends KRS 134.230 to delete provisions requiring the sheriff to post a bond with surety, and to provide that the fiscal court may require the sheriff to enter into bond when the fiscal court deems it to be in the best interest of the state or county; creates a new section of KRS Chapter 132 to provide that a taxing district that does not elect to set a rate that will produce more than 4% in additional revenue, exclusive from revenue from new property, shall establish a final rate within 45 days of the cabinet's certification of the county's property tax roll; provides that failure to establish a rate by this deadline automatically results in the compensating tax rate being used for that year's property tax bills; provides for an effective date for property assessed on or after January 1, 1995.

HB 84

AN ACT relating to property tax administration.

Creates a new section of KRS Chapter 132 to provide the Revenue Cabinet with the sole authority for assessing unmined coal, oil, and gas reserves, and any other mineral or energy resources at no more than fair market value; requires the owner or lessee of the property to annually file a return with the cabinet; permits the cabinet to require others having knowledge of

ACTIONS OF THE 1994 GENERAL ASSEMBLY

the property to file a return; provides for any property not listed by April 15 of the tax year to be deemed omitted; provides for notification, protest, and appeals be made pursuant to the provisions of KRS Chapter 131; provides that the collection of tax bills shall be made pursuant to the provisions of KRS Chapter 134; amends KRS 132.010 to exclude tobacco from allotted crops as factor used in determining agricultural value; adds tobacco box allotments as intangible personal property subject to an annual ad valorem tax; provides tax shall be applicable for the 1994 tax assessment year.

HB 85

AN ACT relating to state depositories.

Amends KRS 41.070 to provide that the Revenue Cabinet may deposit tax receipts to the credit of the State Treasury directly with a depository designated by the Treasurer and utilized by the Commonwealth for its primary banking service; amends KRS 393.010, 393.020, 393.030, 393.040, 393.050, 393.068, 393.110, 393.120, 393.130, 393.140, 393.150, 393.180, 393.190, 393.200, 393.230, 393.240, 393.250, 393.280, and 393.290 to provide for the transfer of the abandoned property function from the Revenue Cabinet to the State Treasurer.

HB 88

AN ACT relating to state lease of property.

Amends KRS 48.111 to require the Governor to include in his recommended program for rental of space information on certain leases which contain either a purchase option or a lease-purchase; amends KRS 56.806 to permit the Finance and Administration Cabinet to include in a state lease of office or other space an option to purchase the leased property or a lease purchase of the leased property; deletes the requirement that when the Finance and Administration Cabinet uses a lease to purchase property that the real estate appraiser who sets the fair market value of the property is selected by mutual agreement of the parties; inserts that the Finance and Administration Cabinet shall select the real estate appraiser; requires that when the Finance and Administration Cabinet exercises an option to purchase leased property, the option price shall not exceed the fair market value of the property as of the time the lessor and the Commonwealth enter into the option; requires that when the Finance and Administration Cabinet includes lease-purchase of leased property in a lease with the federal government, the terms of the lease-purchase shall be determined through negotiations between the Commonwealth and the federal government; requires the Capital Projects and Bond Oversight Committee to provide oversight of the creation and execution of the lease-purchase; amends KRS 56.823 to require the Finance and Administration Cabinet to report to the Capital Projects and Bond Oversight Committee about leases which include an option to purchase the leased property or a lease purchase of the leased property.

HB 91

AN ACT relating to school councils.

Amends KRS 156.132 to make council members subject to removal proceedings; makes local board responsible for taking removal action after a four-fifths vote; requires opportunity for hearing and written notice of charges; amends KRS 160.345, relating to school-based decision making, to prohibit a council member from engaging in a pattern of practice detrimental to participatory school-based decision making; technical changes.

HB 93

AN ACT relating to property leased or owned by the state.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Creates a new section of KRS 56.800 to 56.823 to require that every year every state agency report to the Finance and Administration Cabinet about leased or owned properties if the state agency has reconfigured 10% or more of the space, changed the use of 10% or more of the space, or changed the number of employees occupying the space by 10% or more; deletes the requirement that the state agency has to report to the Finance and Administration Cabinet when a state agency occupies less than 1,000 square feet in a building; provides that provisions of the bill expire on July 13, 1998.

HB 95

AN ACT relating to prosecution of crimes.

Amends KRS 15.760, relating to Commonwealth's attorneys, to permit the employment of a victim advocate; creates new sections of KRS Chapter 15, relating to the Department of Law, to permit the Prosecutors Advisory Council to apply for funds to provide crime victim assistance or criminal prosecution; establishes minimum qualifications for the position of victim advocate to be hired by the Commonwealth's attorneys; requires a written job description to be developed for the duties of the advocate; defines the duties of the victim advocate and proscribes certain activities; requires Commonwealth's and county attorneys to assist local child sexual abuse multidisciplinary teams; requires the Prosecutors Advisory Council to collect data regarding proceedings in cases of sexual offenses involving a minor, determine the method of collection, information to be collected, confidentiality of the information, omission of identifying information, and compilation of date in annual report; requires the council to promulgate administrative regulations relating to the collection of data; and authorizes salary reduction of any Commonwealth's or county attorney who fails to report the data.

HB 96

AN ACT relating to sexual offenders

Amends KRS 439.265, relating to felony offenses, to prohibit suspended sentences for certain sexual offenders, and require a mental health evaluation for certain others; permits sex offender treatment programs to be operated or approved by the Cabinet for Human Resources or the Department of Corrections; amends KRS 439.267, relating to misdemeanor offenses, to require a mental health evaluation for certain felony sexual offenders and to permit evaluation and treatment for misdemeanants prior to consideration of suspending sentence; amends KRS 532.045, relating to probation, to revise and move definitions to subsection (1); prohibits probation for the crime of unlawful transaction with a minor; permits probation for Class D felony sex offenders; requires mental health evaluation prior to probation for certain sexual offenders; requires completion of community treatment of sentence is probated or conditional discharge; permits revocation of release if treatment not completed; permits the defendant and defense counsel to review the evaluation and provide an opportunity to respond; amends KRS 532.050, relating to presentence investigation reports, to require an evaluation for certain sexual offenses; prohibits the evaluation and treatment information from being considered a part of the court records subject to review upon appeal; creates new sections of KRS Chapter 635, relating to juvenile public offenders, to create a juvenile sexual offender treatment program within the Cabinet for Human Resources; defines terms; defines "juvenile sexual offender" as an individual who was at the time of the commission of the offense under the age of 18, who is not actively psychotic or mentally retarded, and who has been adjudicated guilty of or has been convicted of or pled guilty to one of a list of offenses; establishes criteria; requires mental health assessment; sets minimum treatment time, establishes court review process, directs Cabinet for Human Resources to serve as the responsible agency for the program, requires annual report, creates

ACTIONS OF THE 1994 GENERAL ASSEMBLY

advisory board for the program to submit annual report, and follow-up on further criminal behavior of offenders; establishes provisions for returning a juvenile who has been committed to the cabinet as a juvenile sexual offender and who has reached 21 years of age to be returned to the sentencing court for further determination of treatment required; amends KRS 640.030 to conform; and repeals KRS 208.800, 208.805, 208.810, 208.815, 208.820, 208.825, 208.830, 208.835, 208.840, 208.845, and 208.850.

HB 99

AN ACT relating to revenue and taxation.

Amends KRS 131.020 to transfer liaison with federal and state agencies to the Department of Administrative Services; amends KRS 132.020 to provide that the cabinet may make an estimate of the real property assessments and compute a state tax rate when at least 75% of the total real property assessments for the previous year have been determined acceptable by the cabinet; amends KRS 132.385 to specify the number of correspondence course credit hours that may be substituted for the hours required for a "certified Kentucky assessor" or "senior Kentucky assessor" designation; amends KRS 134.430 to clarify that the sheriff's distraint of personal property to pay a tax claim includes delinquent assessments made by the cabinet; amends KRS 134.490 to provide that property sold pursuant to a judgment of foreclosure be appraised pursuant to the provisions of KRS 426.520 and that there shall be a right of redemption as provided in KRS 426.530; amends KRS 137.170 and 137.180 to clarify that the license tax paid based on the average daily mutuel handle for the preceding year is a tentative license tax payment; amends KRS 138.205 to provide that a person acting in the capacity of a licensee under the provisions of KRS 138.130 to 138.205 is subject to the uniform civil penalties and interest provisions rather than a different set of penalties; amends KRS 138.310 to provide for the uniform civil penalty and interest provisions to be applicable to motor fuel taxes; amends KRS 138.342 to provide for interest on motor fuel tax refunds at the interest rate defined in KRS 131.010(6); deletes provision requiring a claim for refund be filed within 90 days of the close of the reporting period; amends KRS 138.344 to delete the provision prohibiting motor fuel tax refunds after 90 days of the close of the calendar year; provides that interest on overpayments shall accrue at the tax interest rate defined in KRS 131.010(6); amends KRS 138.353 to provide for the issue of a motor fuel tax assessment for amounts erroneously refunded in the same manner as other deficiencies; amends 138.445 to delete the provision prohibiting motor fuel tax refunds 90 days after the close of the calendar year; provides for refunds to bear the tax interest rate defined in KRS 131.010(6); amends KRS 138.446 to delete the provision prohibiting motor fuel tax refunds 90 days after the close of the calendar year; provides that interest on overpayments shall accrue at the tax interest rate defined in KRS 131.010(6); provides for refunds to bear the tax interest rate defined in KRS 131.010(6); amends KRS 138.460 to provide that the provisions relating to the first time registration of a motor vehicle in this state that was previously registered in another state are applicable to a person, rather than a resident; amends KRS 139.185 to include KRS 131.180 as the applicable penalty provisions; amends KRS 139.485 to include food sold through nonmechanical self-service vending systems as food not qualifying for the exemption from sales and use tax; amends KRS 140.151 to provide that defined inheritance tax payments bear the tax interest rate deferred in KRS 131.010(6) rather than 8%; amends KRS 140.991 to cite the correct KRS chapter; amends KRS 143.085 to include KRS 131.180 as the applicable penalty provision; amends KRS 131.370 to cite the correct provision regarding payment of tax.

HB 103

AN ACT relating to revenue and taxation.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 131.071 to require the taxpayer ombudsman be a person with either no less than five (5) years of tax administration experience at a supervisory or management level or a person with no less than ten (10) years of tax administration experience with at least five (5) years of experience working directly in the Office of Taxpayer Ombudsman.

HB 106

AN ACT relating to sales and use tax.

Amends KRS 139.730 to include sales tax among the taxes the cabinet administers, in which the cabinet may require reports of persons having information relating to the sale of property which is subject to the tax.

HB 107

AN ACT relating to income taxation.

Amends KRS 141.010 to update the Internal Revenue Code reference date to December 31, 1993.

HB 113

AN ACT relating to property taxation.

Amends KRS 136.180 to provide that the Revenue Cabinet annually calculate an aggregate local rate for each local taxing district to be used for collecting local taxes for railroad carlines; provides that effective January 1, 1994, state and local taxes on railroad carline property shall become due 45 days from the date of the notice and shall be collected directly by the Revenue Cabinet; provides that local taxes collected shall be distributed by the cabinet after any fees owed the cabinet.

HB 115

AN ACT relating to sexual misconduct by professionals.

Amends KRS 161.028, relating to the Education Professional Standards Board, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against teachers; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 161.120 to permit the revocation of a teaching certificate or license if the individual is convicted of a specified sexual offense or is found by the board to have had sexual contact with a student; permits the board to revoke or suspend certificate, mandate treatment, and pay for mental health treatment for the victim; amends 311.565, relating to the state board of medical licensure, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against physicians; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 311.591 to permit the board to revoke or suspend a physician's license, mandate treatment, and pay for mental health treatment for the victim; amends KRS 311.595 to permit the board to revoke or limit the license of a physician if the physician is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient in the care of the physician; amends KRS 314.091, relating to the Kentucky board of nursing, to permit the board to deny, limit, revoke, probate, or suspend any license to practice nursing if the individual is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient in the care of the nurse; permits the board to mandate treatment and pay for mental health treatment for the victim; amends KRS 314.131 to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against nurses; requires the board, hearing officer,

ACTIONS OF THE 1994 GENERAL ASSEMBLY

and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 319.032, relating to the Kentucky board of examiners of psychology, require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against psychologists; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 319.082 to permit the revocation of a license if the individual is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient while in the care of the psychologist; amends KRS 319.092 to permit the board to probate, revoke, or suspend a license or certificate, mandate treatment, and pay for mental health treatment for the victim; amends KRS 335.070, relating to the state board of examiners of social work of Kentucky, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against social workers; requires the board, hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 335.150 to permit the board to deny, revoke, or suspend a license, mandate treatment, and pay for mental health treatment for the victim; permits the revocation of a license if the individual is convicted of specified sexual offenses or is found by the board to have had sexual contact with a patient while in the care of the social worker; amends KRS 311.597, 311.599, 311.606, and 311.607 to conform; amends KRS 15.255 to require the Attorney General to develop guidelines relating to the proper investigation of sexual misconduct by professionals; amends KRS 312.019, relating to the Kentucky State Board of Chiropractic Examiners, to require development of guidelines for investigation, inquiry, and hearing procedures for sexual misconduct allegations against chiropractors; requires the board, the hearing officer, and investigators to receive training on the dynamics of professional sexual misconduct; amends KRS 312.150 to include sexual misconduct with a client as "unprofessional conduct"; and permits the board to revoke or suspend the license of the chiropractor if the board substantiates that sexual contact occurred with a client.

HB 121

AN ACT relating to revenue and taxation.

Amends KRS 141.180 to provide that a spouse shall be relieved from joint and several liability for income taxes if innocent spouse relief is granted by the Internal Revenue Service pursuant to Section 6013(e) of the Internal Revenue Code, or if, absent federal tax liability, the criteria set forth in Section 6013(e) of the Internal Revenue Code are met.

HB 122

AN ACT relating to amusement machines and declaring an emergency.

Amends KRS 137.410 to incorporate definition of coin machines and maximum tax limit; amends KRS 137.990 to delete penalties for violation of vending machine tax; repeals KRS 47.011, 137.010, 137.340, 137.350, 137.360, 137.370, 137.380, 137.390, and 137.400; declares an emergency.

HB 123

AN ACT relating to the duties of the mayor in cities of the first class.

Amends KRS 83.580 to provide that the mayor of a city of the first class shall appoint to those seats, which are not subject to prior qualification on a board or commission, an equal number of members from each county commissioner's district into which the authority of the board or commission extends.

HB 125

AN ACT relating to operating records of motorists.

Amends KRS 187.310, relating to driving history records, to prohibit the Transportation Cabinet from including information on a driving history record of a student who lost his license or permit because he was academically deficient pursuant to KRS 159.051, but has since completed the requirements to be academically eligible and regained his license or permit; prohibits insurance companies from raising a policy holder's rates solely because a dependent's license was revoked or denied for being academically deficient; clarifies that a student's license suspension for being academically deficient will show on a driver's history record until the student becomes academically eligible to have his license reinstated

HB 127

AN ACT relating to health care reform.

Creates various new sections of KRS Chapter 205 to define the terms "abuse," "fraud," "immediate family member," "intentional," knowingly," "medical assistance program," "provider," "provider abuse," "recipient," "recipient abuse," and "wantonly"; prohibits a Medicaid recipient whose eligibility has been revoked due to Medicaid fraud from being eligible for future services for not more than one year or until full restitution has been made, instead of for not less than one year and until full restitution has been made; allows the Department for Medicaid Services to change the revoked status of a recipient if a specified health condition is present; requires Medicaid recipients abusing the program to be immediately assigned and restricted to a managed care provider; sets forth specified responsibilities of CHR and the Department for Medicaid Services directed toward the control of recipient and provider fraud and abuse; revises the composition of the recipient utilization review committee; provides that specified recipient utilization review activities, revocation or restriction of benefits have no force or effect until and unless the requested federal waivers are granted; requires that the restrictions placed on the use of emergency services by recipients be in conformity with the federal emergency medical treatment and active labor act and any other applicable federal law; provides that the Cabinet not be authorized to waive recipient or provider rights to prior notice and hearing as guaranteed by federal law; sets forth requirements for prior authorization for recipients in nonlife-threatening conditions but seeking emergency care; sets forth prohibited provider and recipient acts under Medicaid; sets forth penalties; requires reporting of violations of Chapter 205 if the person knows or has reasonable cause to believe a violation has occurred instead of has a reasonable cause to suspect; provides for forfeiture of a provider's license upon final and unappealable decision of a court; requires that a provider appealing a court decision not be eligible to participate in Medicaid; revises provider, health facility and health service ownership reporting requirements; sets forth the order and type and add to the number of state entities to whom persons are mandated to report suspected violations of KRS Chapter 205; requires all referred reports to be written instead of oral or written; provides for the protection of the identity of reporting persons; provides for payment of penalties under KRS Chapter 205 to a Medicaid Trust Fund; provides for placing of liens on property of any provider or recipient defrauding the Medicaid program; sets forth the contents and parties required to collaborate on an annual Medicaid fraud and abuse report; amends KRS 205.624 to require insurers issuing policies or contracts under Subtitles 17, 18, 32, or 38 of KRS Chapter 304 to cooperate fully with the cabinet or an authorized designee, in order for the Cabinet to comply with the statutory requirement that Medicaid applicants are deemed to have made an assignment of rights to third party payments to the extent of Medicaid paid on behalf of the recipient; requires the respective licensure or regulatory board of a licensed or certified provider to report to Medicaid when the provider's license is restricted or revoked;

ACTIONS OF THE 1994 GENERAL ASSEMBLY

prohibits staff of the Office of the Attorney General, in private practice of law, from serving as legal counsel to or representing a provider instead of prohibiting the OAG staff from serving as legal counsel to or representing any professional licensure board for any provider; amends KRS 205.990 and 194.515 to conform; repeals KRS 205.845, 205.850, and 205.855.

HB 128

AN ACT relating to the state tree of Kentucky.

Amends KRS 2.095 to change the state tree of Kentucky from the Kentucky coffee tree to the tulip poplar.

HB 135

AN ACT relating to the quality of motor fuels and declaring an emergency.

Creates new sections of KRS Chapter 363, relating to weights and measures, to require motor fuels to meet the standards of the American Society for Testing and Materials (ASTM); directs the state Department of Agriculture to administer an inspection and testing program for motor fuels and enforce compliance; directs the Department of Agriculture to adopt a minimum temperature standard for 50% distillation of gasoline containing up to 10% ethanol; directs the state department to levy and collect from retail sellers of motor fuels an annual fee of \$50 per facility to pay for the cost of the fuel quality testing program; provides for civil penalties and injunctions for noncompliance; EMERGENCY (for fee provision only).

HB 136

AN ACT relating to automobile dealer license plates.

(Prefiled by the sponsor indicated.)

Amends KRS 186.070, relating to automobile dealer license plates, to give the Transportation Cabinet responsibility for issuing and canceling dealer plates, and to give the motor vehicle commission responsibility for enforcing provisions relating to dealer plates; makes technical drafting changes.

HB 140

AN ACT relating to ratite birds.

Creates a new section of KRS Chapter 247 to define ratite; declares raising ratites is agricultural production and an agricultural pursuit; creates a new section of KRS Chapter 257 to require the state Board of Agriculture to promulgate administrative regulations to control diseases in ratites; exempts from the state sales and use tax various items used in the raising of ratites, effective for taxable periods beginning August 1, 1994; exempts ratites from local property taxes.

HB 152

AN ACT relating to the State Interagency Council for Services to Children with an Emotional Disability.

Amends KRS 194.120, relating to the Cabinet for Human Resources, to permit the State Interagency Council for Services to Children with an Emotional Disability to promulgate administrative regulations; amends KRS 200.505, relating to assistance for children, to conform.

HB 154

AN ACT relating to higher education.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends 164.321 to add a nonteaching employee member, elected by the nonteaching personnel, to the Boards of Regents of the regional universities; defines nonteaching personnel member as a full-time staff member, and excludes certain chief administrators.

HB 157

AN ACT relating to real estate transfer tax.

Amends KRS 142.050 to provide an exemption from the real estate transfer tax for property placed in a trust if a direct transfer from the grantor of the trust to each individual beneficiary of the trust would have qualified for an exemption had the transfer not been made through the trust mechanism; defines "trust" as used in this paragraph.

HB 158

AN ACT relating to crimes and punishments.

Amends KRS 534.040 relating to fines for felonies to clarify that the section does not apply to a corporation; amends KRS 224.99-010 relating to environmental offenses to specify that the class D felony fine for making false statements to cabinet on forms or applications is \$25,000; changes references in KRS 224.99-010 relating to penalties for environmental offenses which speak of violators being enjoined from "any further violations" to delete "further" and one which speaks of "continuing the violations" to delete "continuing the" and to insert "any" (violations); replaces word "such" with "the" where appropriate; requires the fine for failure to wear a seat belt to be deposited in the spinal cord and head injury research trust fund; amends KRS 189.934, relating to speeding fines, to impose an additional fine of \$15 for speeding violations involving 10 miles or more above the lawful speed limit to be deposited in the spinal cord and head injury research trust fund; creates new sections of KRS Chapter 211 to establish the seven member Kentucky Spinal Cord and Head Injury Research Board; set forth membership and duties of board; establishes the spinal cord and head injury research trust fund to be administered by the board; requires funds deposited in the trust fund to be used for spinal cord and head injury research at the University of Kentucky and University of Louisville.

HB 166

AN ACT relating to capital projects.

Amends KRS 7A.010, relating to the definition of "capital project," to change the value of a capital construction item from \$200,000 to \$400,000 and the value of a movable equipment item from \$50,000 to \$100,000; includes in the definition of "capital project" a lease of real property where the value of the real property is \$200,000 or more; amends KRS 45.750 to define "capital construction item," "lease," "equipment," "system," and "capital projects"; amends KRS 45.793 and 48.010 to conform; amends KRS 154A.060 to require that the Kentucky Lottery Corporation report to the Capital Projects and Bond Oversight Committee on the purchase of items of equipment estimated to cost \$100,000 or more and the purchase of items of equipment where the estimated contract price for all the items of equipment taken together is \$400,000 or more; prohibits the artificial division of a contract in order to cause an estimated contract price to fall below the \$400,000 threshold; raises from \$200,000 to \$400,000 the threshold at which the Council on Higher Education reviews and approves capital projects of state universities.

HB 171

AN ACT relating to revenue and taxation.

Creates new sections of KRS Chapter 138 to define terms; imposes a tax upon drug dealers; provides for the affixing of tax stamps; provides for administration of the tax by the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Revenue Cabinet; establishes lien filing requirements; establishes assessment and collection provisions; creates production and subpoena powers; imposes officer liability; clarifies operation of tax and forfeiture laws; imposes 100% penalty and criminal penalty against dealers; provides for deposit of tax receipts into the General Fund. Provides that the provisions of the Act will apply beginning August 1, 1994.

HB 173

AN ACT relating to standby guardians and conservators.

Creates a new section of KRS Chapter 387, relating to guardians and conservators, to permit a person of full age and sound mind to petition for appointment of named guardian or a conservator if a specified event occurs or a described condition of petitioner's physical or mental health exists; provides that the petition can be filed only after the petitioner is disabled as defined in KRS 387.510 and requires petition to be supported by an affidavit of physician attesting to the disability; requires court to give due regard to the nomination when making any appointment; permits judge to deny appointment of person named in petition if person designated is incompetent or unfit to serve as guardian or conservator.

HB 175

AN ACT relating to the affordable housing trust fund.

Amends KRS 198A.700 relating to the affordable housing trust fund to define "very low-income" at 60% of the area's median income rather than 50% of the state median income; amends KRS 198A.715 to specify that if KHC uses trust fund dollars with matching federal dollars that "the strictest affordability" requirements of the two programs will be utilized, and requires all trust fund dollars, even those from repayment, interest, or investment, be returned to the trust except those required for permanent contribution to federal housing programs; amends KRS 198A.720 to delete subsections (7) and (11) relating to income eligibility of recipients and the authority of the agency to promulgate administrative regulations for the program.

HB 176

AN ACT relating to education.

Creates new sections of KRS Chapter 160 to establish the Family Education Rights and Privacy Act to require that education records of public educational institution remain confidential except that records may be released under certain circumstances and to certain individuals; defines directory information, education records, eligible students, school officials; describes education records that shall not be disclosed and persons to whom education records may be released; requires consent of parents or eligible student to release documents and categories of directory information and prescribes circumstances under which documents can be released; provides for notification to parents and eligible students of the right of privacy, inspection and review of records; directs educational institution to adopt procedures to notify parents and students of privacy rights; requires school to devise personal identifier of student whose parents choose not to disclose the social security number; permits challenges to contents of education records.

HB 183

AN ACT relating to the Kentucky Judicial Form Retirement System.

Amends KRS 21.540 to permit the Judicial Form Retirement System to contract for fiduciary insurance, investment counseling, actuarial, auditing, and other professional services without using the Finance and Administration Cabinet as the contracting agency; amends KRS 21.370 to permit a member of the Judicial Retirement Plan to transfer credit from CERS, SPRS,

ACTIONS OF THE 1994 GENERAL ASSEMBLY

and the Legislators' Retirement Plan as well as KERS to the judicial plan, permits payment for transferred credit by lump sum or by increment, provides that payments made by the member shall be considered accumulated contributions of the member, permits purchase of up to four years of military credit if the member pays 35% of the cost; amends KRS 6.515 to permit a member of the Legislators' Retirement Plan to transfer credit to that plan in the same manner that the amendment of KRS 21.370 permits Judicial Retirement Plan members to transfer credit, and to permit a member of the Legislators' Retirement Plan to purchase military credit if the member pays 35% of the cost; amends KRS 21.420 to permit a member of either the Judicial or Legislative Retirement Plans, who has neither spouse nor eligible children to serve as beneficiaries, to designate a beneficiary to receive accumulated contributions of the member if those contributions are not paid out to the member, and to permit a member to choose a 100% or 66 2/3% survivor option by taking an actuarially reduced retirement benefit; amends KRS 21.380 to allow a member of the Legislators' or Judicial Retirement Plans one year reduction in normal retirement age for each five years of service credit or for each year that earned credit exceeds the 100% limit; amends KRS 21.360 to provide that employee contributions to the retirement plans shall be discontinued when the member has earned a retirement allowance equal to 100% of final compensation.

HB 185

AN ACT relating to local government data collection.

Amends KRS 6.970 to delete the requirement that LRC publish an annual report on the financial condition of local government.

HB 186

AN ACT relating to sanitation districts.

Amends KRS 220.170 to require the board of directors of an established sanitation district to institute a hearing procedure to resolve customer complaints on any matter for which there is otherwise no requirement for a hearing; requires a hearing at the next regular board meeting after receipt of a written request; requires a written response from the board after the hearing.

HB 187

AN ACT relating to the primary program.

Amends KRS 156.160, relating to State Board for Elementary and Secondary Education administrative regulations concerning the primary program, to permit a school council or a school, if no school council exists, to determine, based on individual student needs, that multiage and multiability classrooms need not apply for every grouping of students for every activity throughout the day; requires schools to revise the action plans to reflect change in primary program design; allows for grouping of students attending their first year of school when determined developmentally appropriate.

HB 190

AN ACT relating to the Kentucky Multidisciplinary Commission on Child Sexual Abuse.

Creates new sections of KRS Chapter 431, relating to crimes and punishment, to create the Kentucky Multidisciplinary Commission on Child Sexual Abuse; authorizes appointment of commission members and to set term limits; establishes the duties of the commission; requires the commission to be attached to the Office of the Attorney General for administrative purposes.

HB 191

AN ACT relating to children.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends and creates various sections of KRS Chapters 199 and 625 to regulate private adoptions; amends KRS 199.011 to define "voluntary and informed consent" to adoption; amend KRS 199.500 to make consent irrevocable after 20 days; creates new sections of KRS Chapter 625 relating to payment of attorney's fees in adoption cases; creates new section of KRS Chapter 625 to prohibit attorney from representing both biological parents and birth parents in termination of parental rights cases; creates a new section of KRS Chapter 199 to prohibit attorney from representing both parents in adoption cases.

HB 200

AN ACT relating to disabilities and the disabled.

Amends various KRS sections to remove all forms of the words "handicap" or "handicapped" as they pertain to disabled persons, and replaces with the appropriate form of the words "disability" or "disabled", placing emphasis upon the significance of the person with the disability, rather than the disability itself.

HB 203

AN ACT relating to employee benefits and declaring an emergency.

Amends KRS 61.545 to permit school board employees covered by CERS and Employees of the Kentucky School for the Deaf, Kentucky School for the Blind, and Kentucky institutions of higher education participating in KERS, to purchase additional months of service credit for fractional years of employment; provides that credit may be purchased by December 31, following the close of each school year, with interest to be charged if purchase is made after December 31; deletes specific dates for purchase of service; amends KRS 61.552 to permit a beneficiary to repay refunded service credit and be entitled to benefits; permits a CERS member to purchase past service for approved leave with a work related labor organization, permits a member of any state administered retirement plan to purchase KERS credit for out-of-state local government or state government service, permits CERS members in nonhazardous positions to purchase out-of-state local government or state government service; amends KRS 61.554 to clarify that General Assembly employees employed after January 1, 1994, must work at least six legislative sessions before they are eligible to become members of the Kentucky Employees Retirement System, provides that after working six biennial sessions, an employee may purchase service credit for the months worked and after each session worked thereafter; amends KRS 61.545 limit Kentucky Retirement Systems board members to three consecutive terms so long as no existing terms are terminated, requires that a trustee be removed from office upon conviction of a felony or violation of KRS 11A.020 or 11A.040, requires Kentucky Retirement Systems to adhere to the model procurement code but requires the Finance and Administration Cabinet to act upon personal service contracts within thirty days, permits video recordings to be the official record of disability hearings; amends KRS 61.670 to require the Legislative Research Commission to employ an actuary to review the work of the Kentucky Retirement Systems actuary, requires Kentucky Retirement Systems to pay 50% of the cost; amends KRS 61.691 to eliminate cost-of-living increases utilizing 50% of the margin effective June 30, 1996; amends KRS 11A.010 to require the Kentucky Retirement Systems board to come under the executive branch ethics code; amends KRS 161.515 to permit a person in any state administered retirement system to purchase out-of-state service for Teachers' Retirement if the person has an account with Teachers' Retirement; EMERGENCY.

HB 205

AN ACT relating to the Kentucky Unified Juvenile Code.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 610.070 to permit victims, parents or legal guardians of victims, the spouse of an emancipated minor, or the legal representative of either to attend juvenile court proceedings in which they were the victim; permits court to require parents, guardians, or parent exercising control of a child to attend juvenile court proceedings involving the child; provides that parents, legal guardians, or spouses who may be witnesses at the hearing may be admitted only during and after the time they testify at the hearing; provides that the court may deny admission to a hearing if the parent, legal guardian, or spouse may physically disrupt the hearing or cause a threat of violence to any participant in the hearing.

HB 206

AN ACT relating to charitable gaming and declaring an emergency.

Omnibus bill to regulate charitable gaming; creates new sections of KRS Chapter 238 to state purpose and intent; defines terms; creates the Division of Charitable Gaming in the Justice Cabinet; authorizes the employment of staff and defines conflicts of interest for staff; states the powers and duties of the division; creates the Charitable Gaming Advisory Committee with seven (7) members appointed by the Governor with membership including designated public officials and representatives of charitable gaming interests; requires licensure effective six (6) months from the effective date of the Act and allows persons who qualify for licensure to engage in regulated gaming prior to the effective date, providing gaming is conducted in compliance with provisions of the Act; requires a criminal history background check for all license applicants and lists convictions which would disqualify a person from licensure; requires licensure of distributors and manufacturers of charitable gaming supplies and equipment; requires the licensure of a charitable organization to conduct charitable gaming; exempts charitable organizations conducting charitable gaming activities involving limited receipts; requires licensure for a charitable gaming facility; establishes license qualifications, maximum license fees, and reporting requirements for all categories of license; establishes restrictions relating to the conduct of charitable gaming including age restrictions; permits a minor to play bingo only when the bingo is conducted by an exempt organization, the minor is accompanied by a parent or legal guardian, and non-cash prizes are awarded; establishes standards for the management and accounting of charitable gaming funds; specifies types of administrative actions the commission may take against violators; permits appeal of division actions and specifies basic procedures for the conduct of a hearing; permits appeal of final order of the Secretary of Justice to Franklin Circuit Court; places a .5% fee on the gross receipts derived from all charitable gaming; requires all fees and fines to be deposited in the charitable gaming regulatory account to be used only for the administration and enforcement of Chapter 238; penalties; amends KRS 243.505, 525.090 and 528.010; repeals KRS 528.130, 528.140, and 528.150; EMERGENCY.

HB 207

AN ACT relating to the treatment of the mentally ill.

Amends various sections of KRS Chapter 202A to add the term "psychiatric facility"; and include in the definition of the term, a crisis stabilization unit or any facility licensed by the Cabinet for Human Resources and provides inpatient, outpatient, psychosocial rehabilitation, emergency, and consultation and education services for the diagnosis and treatment of persons having a mental illness; provides for the transporting from the home county of involuntarily hospitalized persons to the hospital by the sheriff, peace officer, Cabinet for Human Resources, private agency on contract with the cabinet, or ambulance service designated by the cabinet; provides for the transportation from hospital to county of discharge of involuntarily hospitalized persons by specified parties; requires the Cabinet for Human Resources to pay for transportation

ACTIONS OF THE 1994 GENERAL ASSEMBLY

costs; prohibits any person held for seventy-two hour involuntary hospitalization from being held in jail pending evaluation and transportation to the hospital; requires peace officers to take into custody and transport without unnecessary delay to a CHR designated hospital or psychiatric facility and for the purpose of evaluation instead of detaining and taking the person before a judge, an individual believed by the peace officer to be mentally ill and presenting a danger or threat of danger to self, family, or others; allows the peace officer to swear out a warrant and take the arrested person before a judge if, after evaluation, a qualified mental health professional finds the person does not meet the involuntary hospitalization criteria and the peace officer has probable cause to believe the person has committed a criminal offense; provides for transportation to a hospital or Cabinet for Human Resources designated psychiatric facility of persons undergoing proceedings for sixty days or three hundred sixty days of involuntary hospitalization; deletes references to "detaining" persons undergoing court proceedings for involuntary hospitalization and substitute in lieu thereof references to "holding" persons; provides for Cabinet for Human Resources funded transporting of court ordered involuntarily hospitalized persons from the county in which the person is located to the receiving hospital or psychiatric facility and upon discharge, to the county from which the person was sent; authorizes hospitals ordered to receive an involuntarily hospitalized person to petition the district court for clarification or modification of orders or judgments entered in proceedings under KRS Chapter 202A or to appeal final judgments or orders entered in proceedings and which are not in compliance with KRS Chapter 202A; creates a new section of KRS Chapter 202A to prohibit persons held under KRS Chapter 202A from being detained in jail unless criminal charges are also pending; prohibits peace officers also from filing criminal charges against a mentally ill person in need of hospitalization solely or primarily to avoid transporting the person to a hospital or psychiatric facility; prohibits persons held under KRS Chapter 202B from being detained in jail; prohibits any public or private hospital, other than a state operated or contracted mental hospital or institution, from being required to provide services to persons involuntarily hospitalized under KRS Chapter 202A, 202B or 645.120, unless the hospital agrees to provide the services; requires each public or private hospital, excluding state operated or contracted mental hospital or institutions, to be paid for services provided under KRS Chapter 202A, 202B or 645.120; at the same rates the hospital negotiates with the Department for Mental Health and Mental Retardation Services or the regional community mental health and mental retardation program; deletes reference limiting court order to sheriff for transportation of person detained under KRS Chapter 202B to 48 hours from time of CHR notification; allows a forensic psychiatric facility or psychiatric facility to have standing to petition the court for clarification or modification of orders and judgments entered in proceedings under KRS Chapter 202A and to appeal from final orders or judgments; deletes requirement that clinical experience in psychiatric social work be performed only following certification in order for certified clinical social worker to meet definition of qualified mental health professional under KRS 600.020; amends KRS 645.020 to change the term "mental health care program" to "mental health facility"; deletes reference in KRS 645.120 that allows a child needing hospitalization as a result of mental illness to be held in a secure juvenile detention facility or juvenile holding facility; allows child needing hospitalization as result of mental illness to be held in a mental health facility; allows child held under KRS 645.120 to be held in a juvenile detention facility or juvenile holding facility only if a status offense action or public offense action is also pending; allows a peace officer to request transportation of a child by CHR, a private agency on contract with CHR, or designated ambulance service following order on petition for emergency hospitalization; deletes reference in KRS 645.120 that allows CHR to use state mental hospital facilities or other resources for observation of children who appear to be mentally ill and who are committed to CHR; creates a new section of KRS Chapter 645 to prohibit peace officer

ACTIONS OF THE 1994 GENERAL ASSEMBLY

from bringing a status offense action or public offense action against a child who is mentally ill, solely or primarily to avoid transporting the child to a hospital or mental health facility; allows the peace officer, believing the child has committed a status or public offense and after evaluation by a qualified mental health professional who finds the child does not meet the criteria for involuntary hospitalization, to swear out a warrant and take the arrested child before a judge; amends KRS 387.540 to conform; create a new section of KRS Chapter 202A to allow the cabinet to promulgate administrative regulations to carry out the provisions of KRS Chapter 202A; allows crisis stabilization units in licensed community mental health centers to be established to the extent funds become available.

HB 208

AN ACT relating to vehicles.

Amends KRS 186.650, to change the definition of a "mobile home" into a definition of a "manufactured home," and to change the definition of a "travel trailer" to specify that the exterior area of the trailer is less than 320 square feet; amends KRS 186.655, KRS 186.680, and 186.690 to change references from mobile homes to manufactured homes; amends KRS 186.695 to exempt manufactured homes from the registration provisions of KRS 186.650 to 186.700; amends KRS 189.010 to add a definition of a manufactured home; amends KRS 189.270 to delete references to mobile homes and house trailers and insert manufactured home, and to provide for an annual permit of \$80 to transport manufactured homes less than 14 feet in width; amends KRS 186.695, 186A.070, 139.050, 189.110, and 189.221 to conform; permits an annual permit on boats 16 feet wide or less.

HB 211

AN ACT relating to professional development for educators.

Amends KRS 160.345, relating to school-based decision making, to require local districts to allocate to the school council 65% of the district's per pupil allocation for professional development for each student in average daily attendance in the school and to require coordination of planning; amends KRS 605.110 relating to the Kentucky Educational Collaborative for State Agency Children, to make the collaborative the professional development coordinator for state agency children; amends KRS 156.0951, relating to district consortia for professional development, to exclude the school council allocation from the professional development funds allocated to the consortia.

HB 215

AN ACT relating to safety.

Amends KRS 189.125 to require all persons in a motor vehicle to wear seat belts; exempts from the definitions of "motor vehicle" farm trucks registered for agricultural use only and having a gross weight of one ton or more; requires any person, not just a parent, transporting a child less than 40 inches to utilize child restraint seat; amends KRS 189.990 to provide a fine not to exceed \$25 for failure to wear seat belt; requires Insurance Department Commissioner to report to the Legislative Research Commission one year later after Act's effective date, the total amount of payments made by motor vehicle insurers for personal injuries incurred by covered motorists.

HB 218

AN ACT relating to the Kentucky Nature and Wildlife Fund.

Amends KRS 141.455 to change "habitat" to "natural areas"; amends KRS 141.460 to change the name of the check off program from "Kentucky Nongame Species Protection and

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Habitat Acquisition Programs" to "Kentucky Nature and Wildlife Fund," and to increase the minimum check off contribution from \$1 to \$2; amends KRS 141.465 to require that funds be placed in an interest bearing account.

HB 222

AN ACT relating to commerce and trade.

Amends KRS 365.690 to permit either the Attorney General or the county attorney to enforce violations of the transient merchant laws.

HB 223

AN ACT relating to investigation of child sexual abuse by multidisciplinary teams.

Amends 431.600, relating to the investigation of child sexual abuse by multidisciplinary teams, to clarify required team members.

HB 225

AN ACT relating to damaged motor vehicles.

Creates new sections of KRS Chapter 186A to state legislative intent and to define terms relating to title branding; requires Department of Vehicle Regulation to brand titles of motor vehicles which have been damaged to an extent of 75% of NADA value; changes the manner in which the value of repair parts is to be determined to "the current published retail cost of the parts equal in kind and quality to the parts to be replaced"; permits a salvage certificate of title to be issued for vehicles with out-of-state junking certificates of title under specified circumstances; requires an insurance company to settle a claim with a person on a salvage vehicle if the person surrenders the title, as well as if they apply for a salvage title; prohibits an insurance company from canceling insurance coverage or reclassifying the coverage if the vehicle carries a branded title; requires a dealer to disclose in writing damage resulting in repairs or repair estimates in excess of \$300 on a vehicle, where the damage occurred while in the dealer's possession; requires person selling rebuilt vehicle to place a sticker in the window of the vehicle alerting consumer of a brand; amends KRS 186A.335 to define "salvage vehicle"; creates new section of KRS Chapter 186A to provide for issuance of salvage and rebuilt titles; amends KRS 186A.990 to establish penalty for failure to disclose brand; creates a new section of KRS Chapter 186A to require the Transportation Cabinet to adopt by regulation any federal mandate for the uniform titling of salvage and junk vehicles.

HB 231

AN ACT relating to crimes and punishments.

Amends KRS 514.110 relating to receiving stolen property to make receiving a stolen firearm (regardless of the value of the firearm) a Class D felony; and increase felony-level dollar amount from \$100 to \$300; amends KRS 514.030, relating to theft by unlawful taking, to make theft of a firearm a Class D felony regardless of the value of the firearm.

HB 232

AN ACT relating to health matters.

Creates a new section of KRS Chapter 438 to require tests of a criminal defendant, inmate, parolee probationers, and persons who bite another person or cause puncture wounds whose blood or body fluid comes into contact with the skin or unprotected clothing of a public servant or victim; requires the court to mandate testing; amends KRS 214.625 relating to distribution of HIV test results to include parent, foster parent, legal guardian of a minor, crime

ACTIONS OF THE 1994 GENERAL ASSEMBLY

victim, or public servant exposed to blood under certain circumstances; amends KRS 197.055 to conform.

HB 234

AN ACT relating to loans of the Kentucky Housing Corporation.

Amends KRS 198A.065 to authorize the Kentucky Housing Corporation to participate in programs which provide for the mortgage or guarantee of mortgage loans for residential housing projects; permits mortgage loan insurance or guarantees by any entity approved by a state agency if the criteria for approval are specified in administrative regulations of the approving agency; requires the Kentucky Housing Corporation to report suspension or termination of income limits on projects financed by a loan insured or guaranteed by a private company or the Corporation to LRC for interim committee review.

HB 238

AN ACT relating to the establishment of codes of ethics in cities and counties.

Creates a new section of KRS Chapter 65 to require the governing body of each city and county, including urban-counties, to adopt by ordinance, a code of ethics which shall apply to all elected officials of the city or county, and to appointed officials and employees as specified in the code of ethics; requires each code to be enacted by January 1, 1995; allows cities and counties to enter into agreements with each other, through the Interlocal Cooperation Act, to jointly adopt a code of ethics; requires each code of ethics to include, but not be limited to, provisions setting forth standards of conduct, requirements for financial disclosure, a policy on nepotism, and the designation of a person or group to enforce the code of ethics; provides that the code of ethics ordinance may be amended but shall not be repealed; requires that each city and county deliver a copy of its code of ethics ordinance, any subsequent amendments, and proof of publication to the Department of Local Government; provides that any city or county government which fails to comply with the requirements of this Act shall have all services or payments of money from the Commonwealth of Kentucky suspended until the city or county is in compliance with this Act.

HB 239

AN ACT relating to refunding bonds which finance floating debt of cities and declaring an emergency.

Amends KRS 66.210 to permit, without Circuit Court approval, the refunding of bonds used to finance "floating" city debt; amends KRS 66.170 to delete requirements that "floating debt" bonds be limited to not more than 6% annual interest or sold for less than par and accrued interest, and applies KRS 58.190 to these bonds thus requiring that actions challenging the validity of these bonds must be brought within 30 days of the effective date of the ordinance approving the bonds; provides that the bonds or obligations may be issued by a city to refund certain floating indebtedness if the bonds or obligations bear interest at a lower rate per annum, mature no later than the original obligation, and are issued in an amount that is no more than the excess of general fund expenses over general fund revenues.

HB 242

AN ACT relating to the Commonwealth of Kentucky's procurement of architectural and engineering services.

Amends KRS 45A.800 to refine the definition of "user agency"; permits the Transportation Cabinet to apply the provisions of the Act to engineering related services; amends KRS 45A.810 to change the membership of the committee which participates in the procurement

ACTIONS OF THE 1994 GENERAL ASSEMBLY

of engineering services and engineering related services for the Transportation Cabinet and the membership of the committee which participates in the procurement of architectural or engineering services for the Finance and Administration Cabinet; amends KRS 45A.825 to require that an architectural or engineering firm be prequalified before it is permitted to offer its services to the Commonwealth; requires that a request for proposals, from architectural or engineering firms, include as an evaluation factor whether the work tasks are to be performed in Kentucky or outside Kentucky; requires that architectural and engineering firms in all regions of the Commonwealth be given an equal opportunity to be selected; requires each selection committee member to sign a confidentiality statement; establishes a timetable for completion of the required activities of the selection committee; permits the Transportation Cabinet to procure engineering services without the approval of the Secretary of the Finance and Administration Cabinet; amends KRS 45A.830 to change the role of the Auditor of Public Accounts in the procurement of architectural and engineering services; amends KRS 45A.835 to refine the conflict of interest provision; creates a new section of KRS 45A.800 to 45A.835 to require the awarding of an architectural or engineering services contract to a Kentucky firm when the selection process results in a tie between that firm and an out-of-state firm; creates a new section of KRS 45A.800 to 45A.835 to require both the Finance and Administration Cabinet and the Transportation Cabinet to promulgate administrative regulations to implement their compliance with KRS 45A.800 to 45A.835; amends KRS 45A.050 to permit the Transportation Cabinet to procure engineering services without the supervision of the Finance and Administration Cabinet.

HB 243

AN ACT relating to local governments.

Amends KRS 107.020 to define counties as local governments which can take advantage of the infrastructure financing techniques of KRS 107.010 to 107.220.

HB 244

AN ACT relating to a compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the operation of an interstate park known as The Breaks Interstate Park.

Amends KRS 148.220 to include the Commissioner of the Kentucky Department of Parks and the Director of the Virginia Department of Conservation and Recreation as voting, ex officio members on the Breaks Interstate Park Commission; sets the commissioners' term to four years; amends KRS 148.225 to change the number of Kentucky commissioners to the Breaks Interstate Park Commission from three to four; delays effective date until Virginia approves substantially the same changes.

HB 250

AN ACT relating to health care reform and providing funding therefor.

Creates the 5 member Kentucky Health Policy Board as an independent agency of state government but attached for administrative purposes to the Cabinet for Human Resources; provides for method of appointment by the Governor no later than August 1, 1994, and confirmation by the Kentucky Senate; sets forth criteria for appointment, and terms of office; requires the members to be full-time state employees; prohibits 3 of the 5 members from holding or having held any full-time employment with a facility or from having been or being a licensed provider; requires the remaining 2 members to have at least 5 years experience in the management or operation of a facility or to have been a licensed provider for at least 5 years; requires board appointment of an executive director

ACTIONS OF THE 1994 GENERAL ASSEMBLY

to serve as chief administrative officer of the board; provides for mandatory and permissive Health Policy Board functions; allows the Board to annually set a target expenditure limit for total state health expenditures with a goal that the rate of increase decline by 10% per year until the rate of increase in total state health expenditures is equal to the rate of increase in state personal income; allows the Board to appoint temporary volunteer advisory committees; allows the Board to develop and implement pilot programs relating to health care costs, quality, or access; allows the Board to establish purchasing cooperatives; allows the Board to financially audit the books and records of the Kentucky Health Purchasing Alliance; allows the Board to recommend initiation of disciplinary proceedings for specified health care providers violating any provisions of KRS Chapter 164, 205, 216, 216B, 304, or 314; requires the Board to analyze specific health service costs and benefits, and define and develop a priority listing of minimum health benefits, and use the listing to recommend to the 1996 Regular Session of the General Assembly a plan for the implementation and funding of a universal access plan for all Kentuckians; provides for board prescribing of a single standardized uniform health claim form and one standardized uniform dental health claim form to be used when processing any health insurance claim and workers' compensation health claim; provides for Board administered data collection activities about health services provided by health facilities and health care providers; requires Board compilation and publication of a list of equipment, facilities, and health services in which the provider has 5 percent or more ownership or financial interest; requires Board to establish a mechanism for biennial review of projects granted a certificate of need; requires disclosure and publication of fees charged by specified health care providers and health facilities; requires the Health Policy Board to develop, update, and recommend implementation of parameters for clinical practice for use by health care providers; permits provider self-referrals if federal conditions are met, or if the provider informs the patient of the provider's ownership interest in a facility or service; requires the Health Policy Board by January 1, 1995 to promulgate administrative regulations authorizing the establishment by March 1, 1995, of pilot projects for 24-hour health coverage; sets forth certain conditions for the pilot projects including limiting the total number of participants to 5 percent of all insured persons who are covered by both worker's compensation and general health insurance; amends various sections of KRS Chapter 216B to require the Health Policy Board, instead of the Commission for Health Economics Control in Kentucky, to perform certificate of need functions necessary to improve the quality and increase access to health care facilities, services, and providers, and to create a cost-efficient health care delivery system for the Commonwealth's citizens; requires any physician's office requesting a major medical equipment expenditure of five hundred thousand or more to apply for a certificate of need; exempts from the provisions of KRS 216B.020, related to the issuance of a certificate of need, any hospital which does not charge its patients for hospital services and does not seek or accept medicare, medicaid, or other financial support from the federal or any state government; authorizes Board revocation of licenses or certificates of need for specific health facilities or health services for knowing violation of any provisions of KRS Chapter 216B; establishes Subtitle 17A of KRS Chapter 304 and creates various new sections thereof to define terms including accountable health plan, alliance, alliance member, antitrust laws, board, business health coalition, health purchasing alliance, consumer, department, grievance procedure, health care provider, health insurer, health benefit plan, health status, managed care, managed competition, mandatory alliance member, medical outcomes, provider network, purchaser, self-funded plan, utilization

ACTIONS OF THE 1994 GENERAL ASSEMBLY

management, and voluntary alliance member; creates a single Health Purchasing Alliance for the entire Commonwealth attached to the Kentucky Health Policy Board for administrative purposes but independent from the Board; requires the Health Purchasing Alliance to be operational by July 15, 1995; provides for gubernatorial appointment and Kentucky Senate confirmation of 5 members of a board of directors for the Health Purchasing Alliance; sets forth criteria for appointment including that a member is required to have expertise in business, finance, economics, or health benefits management; prohibits any member from being or having been a health care provider or health insurer, or an employee of a health care provider, health insurer, or health plan, or having a fiduciary relationship to a health care provider, health insurer, or health plan, and terms of office; authorizes regional advisory boards for the Health Purchasing Alliance; sets forth duties of the Health Purchasing Alliance and conditions for participation by voluntary and mandatory alliance members in the alliance; provides for the creation of accountable health plans by health care providers, health maintenance organizations, and health insurers; requires the alliance to certify accountable health plans meeting certain criteria; provides that a Health Purchasing Alliance or an accountable health plan not be prohibited from or compelled to use the services of a licensed insurance agent or broker to assist in marketing, consumer education, claims assistance, grievance resolution, and servicing of health benefit coverage offered by the accountable health plan or through the Health Purchasing Alliance; requires selective contracting for inpatient and outpatient services to include all university affiliated teaching facilities; requires annual offering to all alliance members all accountable health plans and benefit plans offered by accountable health plans under contract with the alliance; requires at least one standard benefit plan to have coverage for alliance members exactly the same as the coverage provided under Kentucky Kare Standard as of January 1, 1994; requires the alliance to develop and implement a marketing and public information plan to publicize the alliance; requires the alliance to collect premiums on behalf of participating accountable health plans and set reasonable fees for a percentage of not less than 1.5% or more than 3% of annual premiums to finance administration of the alliance; restricts a provider from participating in more than one accountable health plan when the provider is employed by an HMO or is employed full-time by a provider network and receives a salary; requires accountable health plan applicants to demonstrate that assurances that all services to health plan enrollees be available within 30 miles of each enrollee's place of residence be to the extent those services are available in that area and that those unavailable be offered at sites as close to the enrollee as possible; amends KRS Chapter 311 to declare that noncompetition clauses between health care providers are against public policies; prohibits noncompetition clauses that provide for a term of one year or greater; creates various new sections of Subtitle 17A of KRS Chapter 304 to define terms, including board, ERISA, guaranteed-issue basis, health benefit plan, and insurer; requires all health benefit plans issued or renewed on or after July 15, 1995, to comply with certain conditions regarding renewability and preexisting conditions; requires insurers to use a health policy board approved modified community rating methodology for all health benefit plans issued or renewed on or after July 15, 1995 to employers with 100 employees or less, individuals, and participants in the alliance; prohibits premium variations based on age from varying more than 300% from the lowest to highest price; requires the Board to establish guidelines for geographic rating areas; requires Board issuance of regulations for the establishment of a risk adjustment process to be used in equalizing risk between insurers participating within and outside the alliance; requires the risk adjustment process to be established no later than April 1, 1995;

ACTIONS OF THE 1994 GENERAL ASSEMBLY

sets forth practices by insurers which are considered unfair trade practices on or after July 15, 1995; requires the health policy board to define no more than 5 standard health care benefit plans, with one being a basic benefit plan and one providing coverage exactly comparable to coverage provided under Kentucky Kare Standard as of January 1, 1994; sets forth a timetable for the standard plans to become operational; prohibits, on or after the standard benefit plans become operational July 15, 1995, any insurer doing business in Kentucky from issuing or renewing health benefit plans other than the standard benefit plans; requires any of the 5 standard benefit plans offered to be offered on a guaranteed-issue basis to all individuals and employers that elect to be covered under a plan, and agree to make the required minimum premium payments; requires each of the standard plans to be in two forms, one a form of insurance, the other consistent with the basic method of operation and benefit plans of HMO's; requires the health policy board to inform residents of Kentucky of the existence and provisions of the standard benefit plans; requires each insurer issuing policies group or blanket health insurance to file its premiums rates and classifications of risks with the commissioner of the Department of Insurance; prohibits a filing with a premium increase from becoming effective until the commissioner has held a hearing and issued an order approving or disapproving the filing; sunsets the filing of premium rate increases, subsequent hearing and approval or disapproval of the filing as of July 1, 1996; amends KRS 304.17-383 to remove the loss-ratio guarantee exemption from rate filing conditions; amends other subtitles of KRS Chapter 304 to conform; creates various new sections of KRS Chapter 164 to create the Kentucky Health Service at the University of Kentucky, and University of Louisville, respectively, the Kentucky Health Service to create and oversee the implementation of regional family practice residency training programs in community-based sites; sets forth certain duties and goals for the Universities of Kentucky and Louisville, related to increasing the training of specified health care professionals; requires the Council on Higher Education to authorize regional physician extender programs; requires the Health Policy Board in conjunction with the UK and U of L Medical Schools to develop an underserved area physician respite program; requires the Health Policy Board to recommend fees for office visits by family practice and generalist physicians designated by the Board; requires institutions of higher education receiving state student tuition assistance to develop a healthy lifestyles program; creates various new sections of KRS Chapter 205 to require the Cabinet for Human Resources to establish a system within medicaid to reduce unnecessary hospital emergency room utilization and costs; requires medicaid recipients to pay allowable nominal copayments; requires the cabinet to review the medicaid reimbursement rates for emergency transportation providers for their fairness and reasonableness; requires the cabinet to review the procedures for medicaid reimbursement of pharmacists to reduce fraud and abuse; requires the cabinet to establish point of sale computer technology to permit prospective drug utilization review; requires establishment of usage parameters by drug class to enable medical necessity and appropriateness reviews to be conducted prior to payment; requires a dialogue among the Department for Medicaid Services, the Kentucky Board of Medical Licensure, and the Kentucky Board of Pharmacy to develop, for 1996, legislative recommendations to strengthen the generic drug substitution laws; requires the cabinet to establish a pharmacist dispensing fee per prescription in accordance with the findings of a report required pursuant to KRS 205.561; requires the cabinet to review available technology associated with the medicaid system to determine which technology is best suited to enhance program service operation, monitoring ability, and fraud and abuse detection; requires the establishment of an integrated system to enhance medicaid

ACTIONS OF THE 1994 GENERAL ASSEMBLY

program integrity to identify potential fraud, abuse, and misutilization of services; sets forth elements to be included in the system; requires the cabinet to seek to strengthen the managed care component of the KenPAC Program; requires the cabinet to seek to prohibit the sheltering of assets in medicaid long-term care cases as specified; requires the cabinet, by promulgation of regulations, to enhance third-party resource collection capacity in medicaid cases; requires the cabinet to review all medicaid reimbursement systems for appropriateness and effectiveness; requires the cabinet to provide quarterly reports to the General Assembly regarding its medicaid program changes; requires the cabinet to promote access to preventive health services by low-income Kentuckians through local health departments by recognizing qualified local and district health departments as primary care centers for purposes of medicaid reimbursement; requires the cabinet to establish a program as a provider of last resort which permits persons with family incomes below 200% of the federal poverty level to purchase, through the medicaid program, health services covered by medicaid from participating providers at the same rate medicaid pays for the service, with the exception of long-term care facilities; requires the Department for Medicaid Services to develop and implement, effective July 1, 1995, a system for monitoring the use of medicaid covered services by medicaid recipients using smart-card technology; requires the cabinet to request any waivers of federal law necessary to implement the programmatic changes mandated; amends KRS 214.450, 194.030, 194.120, 216.510, 216.535, and 216.885 to conform; amends KRS 205.640 to exempt the Medical Assistance Revolving Trust Fund from any state budget reduction acts; transfer funds necessary to result in a total fund of \$81 million for fiscal year 1995 and \$86.5 million for fiscal year 1996 from the MART fund or from federal funds to the Medical Assistance Indigent Trust Fund to fund the disproportionate share program; provides for distribution of disproportionate share funds and annual reporting to the Governor and the legislature; creates a new section of KRS Chapter 205 to require the secretary of the Finance and Administration Cabinet, after consultation with the secretary for the Cabinet for Human Resources, and on a quarterly basis, to certify to the Interim Joint Committee on Appropriations and Revenue the general fund savings realized from the procedures required by specified medicaid activities and any other procedures adopted by the cabinet for Kentucky Health Policy Board to control the cost of health care; sets forth the criteria for indicating a certification of savings achievement; requires the certified savings to be transferred to a Trust Account to be utilized by the secretary for Human Resources to provide health care coverage for additional categories of citizens; prohibits expending trust account funds until appropriated by the General Assembly; prohibits the trust account funds from lapsing; requires the secretary for human resources to give priority in utilizing appropriated trust account funds to matching available federal funds in the medicaid program; sets forth the criteria for determination of savings in the general fund appropriation for the medicaid program, in the general fund appropriation to the Department for Mental Health, in the general fund appropriation to the Department for Health Services, and in the general fund appropriation to the Department for Social Services; creates new sections to KRS Chapter 142 to define terms; imposes a tax on gross revenues of hospitals at 2.5%; imposes a tax on gross revenues of other providers at a tax rate of 2.0%; imposes a tax on prescription drugs at 25 cents per prescription; provides an exception from the tax for charitable providers; provides for registration, reporting, payment, and other administrative provisions regarding the tax; requires that the Kentucky Health Policy Board be the successor to the Kentucky Health Data Commission and that all records, materials, and work of the Data Commission be transferred to the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Kentucky Health Policy Board; provides preference to those applicants to physician extender programs which make a commitment to practice primary care in Kentucky; establishes a loan repayment program to repay educational loans to those serving in designated health professional shortage areas; provides that health care benefit plans shall not discriminate against any health care provider within the geographic coverage area who is willing to meet the terms and conditions for participation; provides that a licensed insurance agent or broker may assist in marketing, consumer education, claims assistance, grievance resolution, and servicing of health benefit coverage offered by the accountable health plan or through the Health Purchasing Alliance; provides for one standardized, uniform dental health claim form; requires compilation of most common medical procedures and prescribed drugs; requires posting of maximum fee charged for each of the most common procedures and maximum retail price for most commonly prescribed drugs; requires hospitals to post maximum daily charge for room and board and the maximum fee charged for the most common procedures; provides that provider tax applies to "licensed home health agencies"; establishes right of patients to receive a written statement of provider charges prior to receiving service, and the right of insured individuals to receive information from the insurance company regarding reimbursement received by health care providers; excludes company physicians from data filing requirements; requires Cabinet for Human Resources to implement between one and three pilot projects to provide health care to frail, elderly, medicaid eligible individuals, similar to the PACE program; prohibits the Health Policy Board from managing the day-to-day operations of the medicaid program, but requires Health Policy Board oversight of the medicaid program; directs specified and immediate medicaid cost containment and reduction actions; requires a person purchasing coverage through state employee buy-in option to be a U.S. Citizen and a Kentucky citizen for one year prior to purchasing coverage; makes program available until the Health Purchasing Alliance becomes operational; requires policies issued under the program to be valid for one year, at which time insured becomes eligible for alliance coverage; sunsets the provisions of the State Employees Health Insurance Buy-In Program after July 14, 1995; provides that the tax levied under Sections 96 to 114 of the Act, is for the purpose of providing funding for the state medicaid program; repeals KRS 142.201, 142.203, 142.207, 142.211, 142.213, 142.217, 142.221, 142.223, 142.227, 142.231, 142.237, 142.241, 142.243, 142.247, 142.251, 142.253, 142.257, 142.259, 216.270, 216.273, 216.275, 216.277, 216.280, 216.283, 216.285, 216.287, and 304.17-275.

HB 256

AN ACT relating to education.

Creates a new section of KRS Chapter 158, creating the Kentucky Institute for Education Research; provides that the Governor appoint 10 members to two-year terms; defines board's duties and responsibilities; authorizes board to hire staff and adopt bylaws; requires board to establish a 501-C-3 corporation for the purpose of solicitation of funds; prohibits the State Board from measuring the self sufficiency and responsible group membership goals; delays application of the most severe sanctions for schools and districts until the 1995-96 school year; requires the State Board to review and revise the learner outcomes to assure that they are measurable; includes an analysis of the reliability and validity of changes in tests scores as evaluation board's duty, to determine education reform impact; makes references to the Kentucky Education Reform Act as opposed to KERA; establishes the board's self-perpetuating status; deletes the requirement that the State Board review and revise the learner outcomes by December 1994; clarifies the language delaying the "schools in crisis" sanction; delays the "schools in crisis" sanction for

ACTIONS OF THE 1994 GENERAL ASSEMBLY

schools in decline that fail to meet their original threshold by the next biennium; amends 158.782 to allow part-time or full-time distinguished educator assignments; directs the State Board to conduct the NAEP-like test and the performance events in the 11th grade during the 1994-96 biennium; permits the writing portfolio to be collected in the 11th grade or the 12th grade or both; directs the State Board to review the administration of the assessment in the elementary and middle schools; grants distinguished educator assigned to a school in crisis the authority to make decisions for school staff.

HB 257

AN ACT relating to reorganization.

Confirms Executive Order 92-601, relating to reorganization, to attach the Executive Branch Ethics Commission to the office of the Governor for administrative purposes only; makes technical amendments.

HB 258

AN ACT relating to reorganization.

Confirms reorganization Executive Order 92-1073; amends KRS 12.020 and 12.250 to change the name of the Education and Humanities Cabinet to the Education, Arts, and Humanities Cabinet and to add components of the cabinet to the statutory list; amends KRS 153.380 to attach the Kentucky Oral History Commission to the Kentucky Historical Society as a branch of the Oral History and Educational Outreach Division; clarifies the relationship of the Kentucky Oral History Commission and Kentucky Historical Society; amends KRS 153.410 to attach the Kentucky Center for the Arts Corporation to the Education, Arts, and Humanities Cabinet for administrative purposes; amends KRS 171.312 to change the name of the Society Services Division of the Kentucky Historical Society to the Oral History and Educational Outreach Division; creates a new section of KRS 158.700 to 158.799 to establish the Governor's Scholars Program in the office of the secretary of the Education, Arts, and Humanities Cabinet; amends various sections of the KRS to conform; transfers the microfilm and paper conservation programs of the Kentucky Historical Society to the Public Records Division of the Department for Libraries and Archives; makes technical corrections to conform to prior reorganizations.

HB 259

AN ACT relating to reorganization.

Confirms Executive Order 93-29 which creates two divisions within the Kentucky Registry of Election Finance and defines their responsibilities.

HB 260

AN ACT relating to the reorganization of the Economic Development Cabinet.

Creates, amends, and repeals various sections of KRS Chapters 12, 42, 65, and 154 to confirm the Governor's reorganization of the Economic Development Cabinet by Executive Order 92-559, as amended by Executive Order 92-626; creates in the Cabinet the Departments of Administration and Support, Community Development, Financial Incentives, and Job Development; identifies the duties and components of the departments; abolishes the Department for Existing Business and Industry, the Office of Business and Technology, and the Office of Industrial Development and assigns their duties to the new departments; directs that the Division of Recycling Brokerage be staff to, and assist, the Kentucky Recycling Brokerage Authority; abolishes the Kentucky Jobs Development Authority, Kentucky Industrial Revitalization Authority, and Kentucky Industrial Development Authority and transfers their duties to the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Kentucky Economic Development Finance Authority; makes other changes to conform to the executive reorganization orders and to 1992 Acts Chapter 105, which created the Cabinet for Economic Development governed by the Kentucky Economic Development Partnership.

HB 261

AN ACT relating to the reorganization of the Natural Resources and Environmental Protection Cabinet.

Confirms Executive Order 93-721, establishing the Office of Administrative Hearings in the Office of the Secretary, Natural Resources and Environmental Protection Cabinet; specifies that the General Assembly does not confirm Executive Order 92-510, which was superseded and replaced by Executive Order 93-721.

HB 262

AN ACT relating to reorganization.

Confirms Executive Order 93-606, relating to the Department of Public Advocacy.

HB 263

AN ACT relating to reorganization.

Confirms Executive Order 92-576, relating to the Revenue Cabinet.

HB 264

AN ACT relating to reorganization.

Confirms reorganization Executive Order 93-1141 to establish the Division of Postal Services in the Department of Administration within the Finance and Administration Cabinet; directs the new division to operate the centralized postal services for executive branch agencies; transfers all postal services duties and functions within the Transportation Cabinet and Cabinet for Human Resources to the new division.

HB 266

AN ACT relating to reorganization.

Confirms EO 93-1149 as amended by EO 93-1228 which creates an Office of Environmental Affairs within the Office of the Secretary within the Transportation Cabinet to oversee environmental issues for the agency; provides for an executive director; amends KRS 12.020 to conform.

HB 267

AN ACT relating to reorganization.

Confirms reorganization Executive Order 93-422, relating to the Finance and Administration Cabinet, changing the name of the Office of Management and Fiscal Affairs to the Office of Management and Budget; creates the Division of Information Resources within that office; transfers the Division of Internal Audit from the Office of the Secretary to the Office of Management and Budget; abolishes the Office of Risk Management; abolishes the Creative Services Branch in the Office of the Governor; creates a Division of Risk Management and a Division of Creative Services within the Department for Administration.

HB 268

AN ACT relating to reorganization.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Confirms Executive Orders 93-313 and 92-511, as amended by 93-313, relating to the Department of Corrections and the Justice Cabinet.

HB 269

AN ACT relating to retirement and declaring an emergency.

Amends KRS 61.691 to grant CERS retirees a cost-of-living increase of ninety-nine hundredths percent on July 1, 1994 and July 1, 1995; EMERGENCY.

HB 276

AN ACT relating to assisting a suicide.

Creates new sections of KRS Chapter 216 to prohibit causing a suicide as a Class C felony; knowingly and intentionally assisting a suicide as a Class D felony; exempts certain acts by health care professionals; provides civil and regulatory remedies; provides that attorneys' fees in civil actions authorized by the act be awardable to the prevailing party rather than the prevailing plaintiff; specifies that conviction of a crime or contempt of a court order relating to assisting a suicide is grounds for the revocation of a professional license rather than a mandatory revocation.

HB 282

AN ACT relating to solid waste management.

Defines terms; creates the Newspaper Recycling Task Force to study the recycling of newspapers and the reuse of old newsprint and to require a report; requires that publishers report on the use of old newsprint to the cabinet.

HB 284

AN ACT relating to infrastructure.

Amends sections of KRS Chapter 224A to limit assistance to one allocation per funding cycle; limits use of the fund to municipal solid waste projects consistent with the state hierarchy of disposal options; requires a borrower's project to be included in, and consistent with, the area solid waste management plan; limits the solid waste grant program to defray costs of regional solid waste recycling and management activities; requires priority to be given to regional recycling or solid waste management activities; limits grant funding to \$75,000 per county per funding cycle; requires grant approval to be contingent upon the area plan's compliance with cabinet regulations; deletes the rebate for cleaning up open dumps; deletes allowing use of the fund upon a finding that both a hardship and an extreme health hazard exist; clarifies that the authority shall administer the solid waste revolving fund program; directs the authority to administer the solid waste grant program, instead of requiring joint administration with the cabinet; requires the grant fund to be supported by appropriations to the authority and not the cabinet; allows the authority to promulgate regulations to implement the grant program; requires the authority, not the cabinet, to require matching contributions from grantees; makes conforming changes.

HB 294

AN ACT relating to soil and water conservation.

Amends KRS 262.250 to require a petition for dissolution of a soil and water conservation district to be signed by 25 percent of the owners of land within the district, rather than by 25 of the owners of land within the district; amends KRS 64.012 to set at \$20 the county clerk's fee for filing candidacy for the board of a soil and water conservation district.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HB 297

AN ACT relating to revenue and taxation.

Amends KRS 136.076 to clarify the statute of limitations for assessing additional license tax; amends KRS 141.210 to define the "conclusion of the federal audit" and "final determination of the federal audit"; clarifies the statute of limitations for assessing additional tax, including federal audit adjustments and reduction in net operating loss deductions and capital loss deductions; amends KRS 141.235 to clarify the statute of limitations relating to overpayments of tax resulting in the filing of claims for returns or credits.

HB 298

AN ACT relating to income taxation.

Amends KRS 141.0101 to conform Kentucky depreciation to federal depreciation to taxable years beginning after December 31, 1993; provides for the computation of the difference in Kentucky and federal depreciation for taxable years beginning before January 1, 1994, to be reported by the taxpayer over four years if the amount of difference is greater than \$100,000 or in the first year if less than \$100,000 unless the tax elects the four years.

HB 299

AN ACT relating to state procurement.

Creates new sections of KRS Chapter 45A to establish procedures for the hiring of underwriters, underwriter's counsel, and bond counsel involved in state bond issuance; requires requests for proposals from bond counsel firms to include proposed fees and expenses; requires top-ranked bond counsel firms to confirm fee proposals in writing; deletes requirement that the three finalists submit fee data; requires the name of the top-ranked firm, rather than the name of the firm with the lowest evaluated fee, to be proposed to the executive director of the Office of Financial Management and Economic Analysis for purposes of awarding a contract; provides that a preference be given to a bond counsel firm which pays Kentucky income taxes; requires the office to establish a schedule of rates that underwriters will be reimbursed for their bond counsels; prohibits state employees from recommending the selection of underwriting counsel; provides penalties.

HB 300

AN ACT making appropriations for operations, maintenance and support of the legislative branch of the government of the Commonwealth of Kentucky.

The Legislative Biennial Branch Budget; appropriate from the general fund \$22,257,700 for fiscal year 1994-95 and \$28,311,000 for fiscal year 1995-96; appropriate from the restricted agency fund \$165,000 for fiscal year 1994-95 and \$185,000 for fiscal year 1995-96; appropriate from federal funds \$100 for fiscal year 1995-96; appropriate from federal funds \$100 for fiscal year 1995-96; reauthorize previously appropriated capital projects funds; appropriate from the general fund \$500,000 to the capital projects fund to be used specifically for renovation of the basement and first floor of the Capitol Annex for committee rooms and staff offices; appropriate from the general fund to the capital projects fund \$496,000 in 1994-95 and \$435,000 in 1995-96 for completion of the General Assembly Membership Automation project.

HB 301

AN ACT making appropriations for the operations, maintenance, support, and functioning of the judicial branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state supported activities.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

The Judicial Branch Budget: Appropriates to the Court of Justice moneys from the general fund, restricted funds, and federal funds totaling \$25,000 for fiscal year 1993-94, \$111,852,500 for fiscal year 1994-95, and \$117,427,700 for fiscal year 1995-96, for court operations and administration; provides for a 5 percent salary increase in each fiscal year for nonelected court personnel; provides for a 7 percent salary increase in each fiscal year for judges and justices; provides general fund support to increase entry level salaries for deputy circuit clerks.

HB 302

AN ACT relating to appropriations for the operation, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

The State/Executive Branch Budget: appropriates from the general fund, road fund, restricted funds, federal funds, bond funds, agency funds, capital construction surplus, investment income surplus bond proceeds, and other funds, as indicated, \$86,226,800 for fiscal year 1993-94; \$11,867,530,900 for fiscal year 1994-95; \$12,016,015,000 for fiscal year 1995-96; concurs with the House or Senate reports with the following new or revised appropriation items, provisions, or amounts that differed from the House or Senate reports:

1. Secretary of State - appropriates General Fund of \$189,000 for FY 1995 and restricted funds of \$100,000 each year to implement SB 184 regarding limited liability corporations.

2. Department of Law - appropriates General Fund of \$39,600 in FY 1995 and \$41,600 in FY 1996 to restore funding for filled staff positions.

3. Community Economic Development Bonds - deletes authorization and state funding for the Louisville Stadium; authorizes unissued Bond Pool level at \$22,825,300 with an annual debt service of \$5,635,000; and authorize \$1 million from Bond Pool reauthorization for Lexington Bluegrass Army Depot.

4. School Rewards Trust Fund - authorizes 1.75% of gross statewide payroll for certified personnel in the preceding year as distribution limit to local schools; provides calculation basis; and rewards policy to be established by State Board for Elementary and Secondary Education.

5. Support Education Excellence in Kentucky - provides minimum requirements for participation in the Facilities Support Program and establish allocation factors.

6. Minority Educator Recruitment and Retention - establishes program as a division in the Department of Education.

7. Task Force on Deaf and Hard of Hearing - revises the composition of the Task Force and appropriate General Fund of \$100,000 in FY 1995 and \$50,000 in FY 1996.

8. Potential General Fund Lapse in Human Resources - excluding appropriations for Medicaid services and benefits, authorizes contingent appropriations for unexpended General Fund dollars in FY 1994 and FY 1995 to be expended for Supported Living Program, Community Health Advisory Program, and Victim Defense Fund for Child Sexual Abuse.

9. Medicaid Trust Fund - creates Medicaid savings trust fund and address additional health care coverage.

10. Health Care Policy Board - continue operation and responsibilities of Board.

11. State Police - directs application to the Petroleum Storage Tank Environmental Assurance Fund to fund bulk tank removal.

12. Workers' Compensation - appropriates restricted funds of \$1,868,000 in FY 1995 and \$1,684,000 in FY 1996 to implement HB 928, Workers' Compensation reform.

13. Petroleum Storage Tank Environmental Assurance Fund - requires quarterly reporting.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

14. Kentucky River Authority - exempts water user fee from state of local taxes.
15. State Office of Geographic Information - establishes separate and distinct appropriation unit in Finance Cabinet.
16. Parks Revitalization Bond - eliminates authorization for all projects and language provisions for \$100 million bond.
17. Parks Reauthorization Projects - provides reauthorization only for Pine Mountain Sewer Plant upgrade and Lincoln Homestead improvements.
18. Transportation Weather Emergency Plan - directs the Transportation Cabinet to implement a Strategic Weather Emergency Response Plan.
19. Transportation Construction Program - modifies Biennial Highway Construction Program.
20. Gallatin County Airport Study - appropriates General Fund of \$10,000 in FY 1995 for airport feasibility study in anticipation of federal funding support.
21. Workforce Development Performance Study - deletes General Fund appropriation of \$126,200 in FY 1995 and \$209,000 in FY 1996 for study.
22. Budget Reserve Trust Fund - includes language provision requiring specific authorization by General Assembly in an extraordinary or regular session to expend moneys.
23. Revenue/Expenditure Comparison - requires the Finance secretary to quarterly report actual and projected revenues in comparison with estimated revenues used in developing budget bills and note potential fiscal conditions.
24. State Government Compensation - removes authority to increase maximum salary range by 20%.
25. Road Fund Supported Personnel - deletes language provision relating to excluding these employees from the personnel cap.
26. Funds Transfers - transfers the additional amounts to the General Fund: Kentucky Law Enforcement Foundation Program Fund, \$1.5 million in FY 1996; Firefighter Foundation Fund, total of \$2,750,000 each year; and Economic Development Bond Repayments, \$600,000 in FY 1995 and \$700,000 in FY 1996.
27. General Fund Reduction: requires specific authorization by General Assembly in extraordinary or regular session for use of Budget Reserve Trust Fund for budget revision purposes, and revises the priorities for the Reduction Plan. **VETOED.**

HB 307

AN ACT relating to revenue and taxation.

Amends KRS 186A.035 to provide that the motor vehicle registration renewal notice be mailed out at least 45 days prior to the date of expiration; amends KRS 131.345 to provide that a person possessing a professional appraisal designation recognized by the Board of Tax Appeals may represent a property owner before the Board of Tax Appeals; amends KRS 133.020 to provide for terms of appointment to the county board of assessment appeals; provides for board member replacement; prohibits any member from hearing or ruling on appeals when member has a personal or private interest; amends KRS 133.045 to require that the notice of inspection period for the property tax roll state that any taxpayer desiring to appeal shall first request a conference with the PVA; amends KRS 133.120 to provide that a person possessing a professional appraisal designation recognized by the cabinet may represent a taxpayer before the PVA or the county board of assessment appeals; provides that requests for review by the county board of assessment appeals be made no later than one working day following the conclusion of the inspection period; provides that the county board of assessment appeals shall only hear and consider evidence submitted in the presence of both the PVA and the taxpayer; provides that taxpayers may make

ACTIONS OF THE 1994 GENERAL ASSEMBLY

audio recordings of the hearing before the board; provides that the board shall physically inspect property upon request of the property owner or PVA; repeals KRS 135.070.

HB 308

AN ACT relating to financing for education.

Amends KRS 160.160 to require that when the Department of Education provides money to a board of education for use as rent which will pay interest on bonds issued to fund the construction of the building occupied by the board and the board fails to make the rental payment, the Department of Education shall stop providing money to the board and shall directly pay interest on the bonds.

HB 309

AN ACT relating to property tax.

Amends KRS 134.370 to provide that the cabinet shall assume all duties related to the collection of delinquent tax claims; amends KRS 134.500 to provide that the cabinet first offer the collection duties to the county attorney before assuming the duties related to the collection of certificates of delinquency; provides that a county attorney desiring to perform the collection duties enter into a contract with the cabinet; provides that if the county attorney chooses not to contract for the collection duties or fails to perform those duties that the cabinet shall assume the duties and be entitled to the 20% collection fee; amends KRS 134.500 to provide for interest on uncollectable tax claims; and to include delinquent personal property bills with those that the county attorney is responsible for; amends KRS 424.330 and 134.990 to conform; repeals KRS 134.370.

HB 310

AN ACT relating to income and taxation.

Creates a new section of KRS Chapter 141 to establish a priority for income tax credits; amends KRS 141.041 and 141.066 to conform; provides for an effective date for tax years after December 31, 1993.

HB 311

AN ACT relating to child support enforcement.

Amends KRS 186.570 to deny or suspend the operator's license of a person who has a child support arrearage which equals or exceeds the cumulative amount which would be owed after one year of nonpayment; prohibits consideration of arrearage accumulated prior to January 1, 1994.

HB 312

AN ACT relating to crimes and punishments.

Creates a new section of KRS 527 to create the crime of unlawful possession of a weapon on school property for knowingly possessing or carrying a firearm, deadly weapon, destructive device, or booby trap device in public or private school buildings, school busses, campuses, grounds, recreation areas, or athletic fields, does not apply to post secondary schools or higher education; require posting of notice signs, does not apply to weapons used for instructional or school-sanctioned ceremonial purposes, adult possessing firearm in a vehicle if it is not removed from the vehicle or brandished by the adult or others while on school property, ROTC programs, peace officers, persons in the Armed Forces or reserve components while on active duty, and persons authorized to have weapons by school officials, persons hunting on school lands with

ACTIONS OF THE 1994 GENERAL ASSEMBLY

permission of school authorities, traversing school grounds with unloaded hunting weapons for purpose of gaining access to hunting lands unless grounds are posted to the contrary; persons possessing guns or knives at a gun or knife show approved by school authorities; amends KRS 527.010 to conform; Class D felony.

HB 315

AN ACT relating to open meetings of public agencies.

Amends KRS 61.805 and creates a new section of KRS Chapter 61 to define video teleconferencing and make video teleconferencing subject to the provisions of the open meetings law; prohibits the use of video teleconferencing to conduct a closed meeting.

HB 316

AN ACT relating to utilities.

Prohibits a public utility from holding a customer liable for unbilled service after more than two years from the date of service, unless the service was obtained through fraud, theft, or deception.

HB 318

AN ACT relating to utilities.

Incorporates the provisions of KRS 74.085 and 273.392, which prohibit water districts or water associations from paying higher interest on customer deposits than they receive in interest, into KRS 278.460, which sets a standard interest rate of 6% on utility customer deposits; repeals KRS 74.085 and 273.392.

HB 319

AN ACT relating to utilities.

Amends KRS 278.020 to clarify that prior approval of the Public Service Commission is required for the transfer of ownership or control of any utility under the commission's jurisdiction.

HB 320

AN ACT relating to utilities.

Amends various sections of KRS Chapter 278, relating to the Public Service Commission, to delete references to a commission secretary, an office previously abolished.

HB 321

AN ACT relating to utilities.

Amends KRS 278.400 and 278.410 to specify that a Public Service Commission order is served on the day that it is mailed; extends from 20 to 30 days the period within which a utility must appeal a commission order; specifies that a Public Service Commission order is considered served three days after the date the order is mailed rather than the day it is mailed.

HB 322

AN ACT relating to administrative regulations.

Creates new sections of KRS Chapter 13A to require an administrative body to provide public notice of its intent to promulgate an administrative regulation that has an economic impact, and conduct a hearing within 30 days of the notice of intent prior to filing an administrative regulation with LRC if requested by 5 people or an association of 5 people, and if 5 people agree to attend the hearing, file a report of the hearing, specifies information required in notice of intent

ACTIONS OF THE 1994 GENERAL ASSEMBLY

and hearing report; amends various sections of KRS Chapter 13A to define economic impact, promulgate, proposed administrative regulation, delete redundant language; exempts regulations limited to compliance with drafting and format provisions of KRS Chapter 13A, and emergency administrative regulations; extends time for filing statement of consideration if agency receives extensive number of comments; extends duration of emergency regulations from 120 to 170 days.

HB 325

AN ACT relating to administrative regulations.

Repeals KRS 13A.346 and KRS 13A.347, to repeal requirement for quadrennial review of administrative regulations by LRC subcommittees.

HB 327

AN ACT relating to school-based decision making.

Amends KRS 160.345, relating to school-based decision making, to make parents of students eligible to vote for parent members, as opposed to members of the parent and teacher organization; authorizes a council, once elected, to set different terms of office if the terms do not exceed two years and are not consecutive; requires the school council to adopt a policy on committees if it establishes such and specifies components of the policy; declares that the General Assembly recognizes and urges the protection of the first amendment rights of school employees, administrators, and parents.

HB 328

AN ACT relating to class size.

Amends KRS 157.360 to clarify that the maximum number of students allowed in grades 7 through 12 is 31.

HB 334

AN ACT relating to administrative hearings.

Establishes a new chapter, KRS Chapter 13B, and creates new sections to establish uniform procedures for state agencies in conducting administrative hearings; defines terms; exempts legislative and judicial agencies and units of local government; establishes criteria and procedures for exempting hearing procedures; establishes qualifications and training requirements for hearing officers; allows agencies to secure hearing officers through personal service contract only if the Attorney General's office cannot provide the services; allows the Attorney General to charge for services at a fee level not to exceed 25% more than the amount charged by a sole practitioner under personal service contract; permits advance billing; prohibits persons who have served as investigators or prosecutors from serving as hearing officers in the same proceeding, and requires disqualification of any person who cannot provide a fair and impartial hearing; establishes criteria for granting intervention in a hearing; permits hearing officers to conduct prehearing conferences and encourages informal settlement of disputes; stipulates information which must be contained in a notice of hearing; establishes procedures to be followed in the conduct of a hearing; establishes standards for the presentation of evidence; prohibits ex parte communications; establishes requirements for the issuance of a recommended order and a final order; specifies the content of the official record of an administrative hearing; establishes procedures for petition for judicial review; establishes grounds on which judicial review is to be conducted; permits appeal of Circuit Court decision; creates the Division of Administrative Hearings in the Office of Attorney General with assigned responsibilities for coordination and oversight of administrative hearing procedures in Kentucky; authorizes agencies to promulgate

ACTIONS OF THE 1994 GENERAL ASSEMBLY

administrative regulations to carry out provisions of the chapter and directs biennial reporting to the Legislative Research Commission; instructs state agencies in conjunction with the Legislative Research Commission, to draft conforming amendments for the 1996 General Assembly; delays effective date of Section 1 to 17 until normal effective date of 1996 Regular Session; TITLE.

HB 335

AN ACT relating to insurance.

Creates a new section of Subtitle 99 of KRS Chapter 304 to provide for a fine and forfeiture of office if the commissioner of insurance, deputy commissioner, or examiner has knowledge of the insolvency or unsafe condition of an authorized insurer, or that it is inexpedient to the insurer to continue business, and who fails to immediately present a signed report to the commissioner, or in the case of the commissioner, willfully fails to take action prescribed by the insurance code.

HB 336

AN ACT relating to elementary and secondary teachers.

Amends KRS 157.320 to credit a teacher who teaches the equivalent of at least 70 full school days during the school year with one year of teaching experience; credits a teacher who teaches the equivalent of 70 full school days during 2 school years with one year of teaching experience.

HB 337

AN ACT relating to mineral severance and processing tax.

Amends KRS 143.010 to more clearly define "processing" and "transportation expense;" amends KRS 143A.010 to more clearly define "processing" and "transportation expense;" provides for an effective date for tax periods beginning on or after August 1, 1994.

HB 338

AN ACT relating to the protection and replacement of water resources affected by mining.

Amends KRS 350.421 to require a permittee or operator of an underground coal mine to replace the water supply of an owner when the supply has been adversely affected by the underground coal mine.

HB 339

AN ACT relating to the court of justice and declaring an emergency.

Creates a new section of KRS Chapter 48 to provide that the General Assembly set the salaries of the justices and judges in the judicial branch budget bill; provides that the Chief Justice shall include in the judicial branch budget recommendation the salaries of the justices and judges; provides that if the General Assembly concurs with the recommended salaries, they will be incorporated in the judicial branch budget bill by reference to the judicial branch budget recommendation; specifies that if the General Assembly sets the salaries different than the recommendation, the General Assembly shall set forth the salaries or incremental changes in the judicial branch budget bill; provides that in every case the salaries shall be set forth in the judicial branch budget memorandum; requires the Chief Justice to include in the judicial branch budget recommendation information on actual and anticipated filing fees and miscellaneous costs for civil cases filed in circuit and district courts; creates a new section of KRS Chapter 64 to provide that compensation of clerks of the Circuit Court shall be set in accordance with the judicial personnel system; amends KRS 23A.200 to provide that the Supreme Court shall by rule set the filing fees

ACTIONS OF THE 1994 GENERAL ASSEMBLY

and miscellaneous costs for civil cases filed in Circuit Court; amends KRS 23A.215 to provide that fees and cost collected pursuant to KRS 23A.200(1) shall be deposited in the general fund; amends KRS 24A.170 to provide that the Supreme Court shall by rule set the filing fees and miscellaneous cost for civil cases filed in District Court; amends KRS 24A.180 to provide that all fees and cost collected pursuant to KRS 24A.170(1) shall be deposited in the general fund; amends KRS 64.486 and 64.055 to conform; repeals KRS 23A.210, 64.055, and 64.485; declares an emergency.

HB 341

AN ACT relating to commercial driver's licenses.

Amends KRS 281A.160, relating to administration of tests for commercial driver's licenses, to require the state police to permit third party testing for skills portion only; provides for third party tester to receive a fee of \$25 if he supplies applicant with a vehicle for the skills test.

HB 347

AN ACT relating to corn.

Amends various sections of KRS Chapter 247 to include popcorn in the definition of corn; change the maximum assessment on the producers of corn for the promotion of corn from one-fourth of one percent of the gross marketed price per bushel to one-fourth of one percent of the net marketed price per bushel; repeals the Fund Utilization Committee and substitutes in its place the Kentucky Corn Promotion Council; deletes the authority of the Commissioner of Agriculture to conduct a referendum every five years on the question of continuing or terminating the assessment.

HB 348

AN ACT relating to small grains.

Amends various sections of KRS Chapter 247 to change the maximum assessment on the producers of small grains for the promotion of small grains from one-fourth of one percent of the gross marketed price per bushel to one-fourth of one percent of the net marketed price per bushel; repeals the Fund Utilization Committee and substitutes in its place the Kentucky Small Grain Promotion Council; deletes the authority of the Commissioner of Agriculture to conduct a referendum every five years on the question of continuing or terminating the assessment.

HB 349

AN ACT relating to the protection of endangered, threatened, and rare plants.

Declares the policy of the Commonwealth is to perpetuate endangered or threatened plants and to recognize that plants are the property of the landowner; defines terms; allows the Nature Preserves Commission to collect biological and ecological data with the landowner's permission; allows the commission to promulgate administrative regulations identifying endangered or threatened plants; prohibits the identification of endangered or threatened plants from impeding private or public development.

HB 355

AN ACT relating to public financing of campaigns of slates of candidates for Governor and Lieutenant Governor.

Amends KRS 121A.060 to provide that a slate of candidates for Governor and Lieutenant Governor that receives qualifying contributions of from \$300,000 to \$600,000 would receive

ACTIONS OF THE 1994 GENERAL ASSEMBLY

from the election campaign fund matching funds equal to two dollars for each dollar of qualifying contributions received and to provide that once two slates have raised the minimum threshold qualifying amount for an election that slates independently qualify for matching funds without regard to the amount of funds raised by an opposing slate in that election; amends KRS 121A.080 to conform.

HB 357

AN ACT relating to retirement.

Amends KRS 61.592 to include coverage for paramedics and EMTs within those positions which qualify for hazardous duty retirement coverage.

HB 358

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 218A to provide a Class B misdemeanor penalty for any offense in the chapter for which another penalty is not otherwise provided; amends KRS 218A.010, 218A.050, and 218A.070 to correct scientific names of various controlled substances; adds drug methcathinone to Schedule 1 controlled substances; amends KRS 503.080 relating to probation to require persons on probation who have a documented drug or alcohol problem to undergo controlled substances or alcohol testing and pay for the tests unless court waives fee for good cause.

HB 359

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 527 to prohibit persons under 18 from possessing, manufacturing, or transporting a handgun; provides exemptions when attending a hunter safety course or firearms safety course, target shooting at an established range, or other area where discharge of a firearm is not prohibited, engaging in marksmanship competition, hunting or trapping with a license to do so, traveling to or from any of these activities with an unloaded handgun, possessing a handgun on property of an adult with parental consent, for self defense at his residence; defines a handgun as loaded if ammunition is in the handgun, or the handgun and ammunition are on the person, or are in such close proximity that the handgun could be loaded by the person; Class A misdemeanor for first offense, Class D felony for subsequent offense; creates a new section of KRS Chapter 527 to prohibit unlawfully providing a handgun to a minor or permitting a minor to possess a handgun either knowingly or recklessly as a Class D felony; amends KRS 527.040 relating to possession of handgun by a convicted felon to include juvenile convicted of felony offenses as youthful offenders; amends KRS 600.020 relating to definitions for the juvenile code, to add any firearms offense under KRS Chapter 527 to the definition of public offense.

HB 360

AN ACT relating to boilers.

Amends KRS 236.060 to provide that steam boilers on farm tractors used only in parades or other public events shall be subject to inspection by the state's Department of Housing, Buildings and Construction, but shall not be subject to an inspection fee

HB 365

AN ACT relating to motor vehicle operator's licenses.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 186.412, relating to applying for a driver's license, to exempt military personnel from having to take a written test or road test to renew their license if they have let the license expire within 90 days of returning to the Commonwealth; amends KRS 186.480, relating to the state police testing persons applying for a driver's license, to conform.

HB 368

AN ACT relating to conservation of natural resources through heritage land conservation and environmental education, and providing funding therefor.

Amends KRS 146.560, relating to the Kentucky Heritage Land Conservation Fund Board, to redefine membership by removing the Commissioner of Agriculture and the Secretary of Tourism, and the two legislative appointments and adding the chairperson of the Environmental Council, six citizen members to be appointed by the Governor from names submitted by specific organizations, and one person with experience in natural resources land acquisition, to be appointed by the Governor; amends KRS 146.570 to attach the Kentucky Heritage Land Conservation Fund to the Natural Resources and Environmental Protection Cabinet and to prevent money in the fund from lapsing to the General Fund; directs that the Department of Parks, the Department of Fish and Wildlife Resources, the Division of Forestry, the Nature Preserves Commission, and the wild rivers corridor each receive 10% of the moneys in the fund for land acquisitions; directs that the remaining 50% be allocated by the board to state agencies, local governments, and state colleges and universities; requires each fund recipient to develop and implement a resource plan for each tract acquired and to allocate at least 10% of the moneys received for land management instead of capping maintenance funds at 1% of purchase price; requires land acquisitions to be authorized by the General Assembly and reported to Capital Projects and Bond Oversight Committee; provides for investment of funds in accordance with guidelines established by the State Investment Commission; provides for the Department of Parks to oversee resource management plans for property adjacent to parks; amends KRS 146.565 to conform and require any agency purchase through the fund to include any accessor buffer land deemed necessary by the board; amends KRS 132.020 to designate that \$400,000 of state tax receipts for unmined coal are to be used by the Coal Marketing and Export Council for public education on coal-related issues and the remainder of the receipts are to be used for heritage land conservation; amends KRS 224.10 - 250 to direct that the first \$150,000 of environmental penalties the Natural Resources and Environmental Protection Cabinet collects shall be credited to the Environmental Council and all other penalty moneys collected shall be dedicated to the Kentucky Heritage Land Conservation Fund rather than the General Fund; creates a new section of KRS Chapter 186, relating to licensing of motor vehicles, to establish a process for issuing environmental license plates; stipulates that the license plate design is to be chosen by the Kentucky Heritage Land Conservation Fund Board; permits reissuance when the owner sells or transfers vehicle within the licensing period; establishes an initial fee of \$49 and a renewal fee of \$14; provides for distribution of fees to the Transportation Cabinet and the county clerk's except that \$25.00 of each initial fee is to be deposited into the Heritage Land Conservation Fund.

HB 377

AN ACT relating to soil and water conservation.

Creates a new section of KRS Chapter 146 to establish the Kentucky Soil Erosion and Water Quality Cost-Share Fund for the purpose of providing cost-sharing funds to persons engaged in agriculture and silviculture production to implement best management practices to reduce soil erosion, surface water pollution, and groundwater pollution; provides that priority for funding shall go to animal waste management systems where animal waste has polluted water and

ACTIONS OF THE 1994 GENERAL ASSEMBLY

to agricultural districts; requires recipients of cost-share funds to have a conservation plan, groundwater protection plan, or a forest management or forest stewardship plan; allows up to five percent of the money in the fund to be used each year for administrative costs of local conservation districts and the state Soil and Water Conservation Commission.

HB 379

AN ACT relating to environmental protection.

Amends sections of KRS Chapter 224 to delete various air emission fees and to allow the adoption of fees for the costs of administering the air quality program as mandated by the federal Clean Air Act Amendments; requires an added fee and interest to be paid for failing to pay an emissions fee; provides specific penalties for failure to comply with the requirements; specifies that fee structure is for the operating permit program; limits fees to amounts in enacted budget bill; specifies fee assessment process; provides that emissions fees shall be deposited into an interest bearing account and unexpended funds to carry forward; provides that available fund balances be credited proportionately to sources which paid in a timely manner; exempts publicly-owned facilities from the requirement of paying permit fees except for air emissions fees.

HB 380

AN ACT relating to alcoholic beverages.

Creates a new section of KRS Chapter 243 to require that twenty-five percent of all fees paid into the State Treasury from retail package and drink and restaurant wine licenses be placed into a revolving trust and agency account to be used solely for the administration and enforcement of KRS Chapter 241, 242, 243, and 244; requires that the moneys not lapse at the end of fiscal year; repeals KRS 243.080.

HB 385

AN ACT relating to fish and wildlife resources.

Amends sections of KRS Chapter 150 to expand the authority of the department to include oversight over the selling and buying of mussels and to grant more general authority over the reporting of musseling operations; revises penalties; makes conforming changes; repeals KRS 150.510; amends KRS 235.010 to revise the definitions of vessel and motor boat.

HB 386

AN ACT relating to funding of the equine industry program at the University of Louisville.

Amends KRS 138.510 to apply a 0.05% pari-mutuel tax deduction to taxes derived from intertrack wagering to provide additional funding for the equine industry program at the University of Louisville.

HB 387

AN ACT relating to fish and wildlife.

Amends and creates various sections of KRS 150 relating to fish and wildlife resources to require the Department of Fish and Wildlife Resources to provide by administrative regulation for the design, issuance, distribution, and other matters relating to all licenses and permits issued by the department; requires the department to name each county clerk not granted an exemption, as an agent for the sale of licenses and permits or other items; allows the department to name any person or organization meeting the department's requirements, as an agent for the sale of these items; requires the department by regulation to determine requirements for agents, licenses,

ACTIONS OF THE 1994 GENERAL ASSEMBLY

permits, and fees; requires the department or its agents to keep complete records of licenses and permits; requires the department by administrative regulation to develop a procedure for suspending or revoking the agent status of a person or organization violating any provision of KRS 150 relating to licenses or permits; provides for hearings, appeals, and penalties; allows the department to experiment with computerized or other improved forms of license and permit sales; deletes the fee set out in the statute that the county clerk receives for issuance of fish and game licenses; defines license and permit; allows subsection (13) of Section 1 relating to implementing a new method of license and permit sales, to be implemented any time prior to the last day of February, 1996; and requires each county clerk to sell licenses for the department until the last day of February, 1996; amends KRS 64.012 to conform.

HB 388

AN ACT relating to the funding of the statewide public advocacy system and making an appropriation therefor.

Amends KRS 31.051 to place a \$40 fee against defendant when public advocate is appointed for funding public advocacy program; amends KRS 31.120 to require rather than permit pretrial release officers to complete affidavits of indigence; amends KRS 189A.050 relating to driving under the influence service fees to increase fee to \$200 from \$150 and to assign 1/4 of DUI service fee revenue to operate public advocacy programs; appropriates trust and agency account funds for specified purpose; amends KRS 31.185 to require the fiscal court of any county or the legislative body of an urban-county containing fewer than 10 circuit judges to contribute 12.5 cents per capita of the population of the county to a state public defender expert witness fund; permits courts to order payments out of fund; relieves counties affected from paying such expenses directly; amends KRS 31.190 to pay for transcript costs or bystander's bill of exceptions from same fund; requires that when a county pays for the representation of a needy person, pursuant to KRS Chapter 31, the county shall pay any direct expense incurred in connection with the representation from the special account established in KRS 31.185(2), and in accordance with the procedures provided in KRS 31.185(3).

HB 390

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 237 to define handgun, firearm, licensed gun dealer, ammunition, armor piercing ammunition (having a tungsten alloy, steel, iron, brass, bronze, or beryllium copper projectile core), and black talon ammunition (having a soft lead core and having sharp flanges which are designed to expand); creates a new section of KRS Chapter 237 to prohibit knowingly selling or transferring a firearm to a person prohibited from possessing it under KRS 527.040 (possession of firearm by convicted felon) as a Class A misdemeanor; creates a new section of KRS Chapter 237 to prohibit manufacture, sale, delivery, transfer or import of armor piercing ammunition, does not apply to law enforcement and the Armed Forces, as a Class D felony for the first offense and Class C felony for subsequent offenses; creates a new section of KRS Chapter 237 to provide that all firearms and ammunition forfeited under the law be sold, destroyed or retained for official purposes; creates a new section of KRS Chapter 218A relating to controlled substances offenses to enhance felony penalty by one class and misdemeanor to Class D felony if a firearm is possessed at the time of the commission of a controlled substances offense; creates a new section of KRS Chapter 244 to prohibit possession of a loaded firearm in a room where alcoholic beverages are being sold under KRS Chapter 243, exempts owner of property, manager and employees and law enforcement officers; amends KRS 244.990 to make violation of Class A misdemeanor for first offense and Class D felony for subsequent

ACTIONS OF THE 1994 GENERAL ASSEMBLY

offenses; amends KRS 197.170 relating to person to be notified of release of prisoner from penitentiary to include the victim of crime, permits release to public of information that a petition to involuntarily hospitalize a prisoner about to be released has been filed; amends KRS 514.110 relating to receiving stolen property to increase the felony level from \$100 to \$300; amends KRS 527.040 relating to possession of handguns by convicted felons to broaden provisions to all firearms and increase penalty for possession of a handgun from Class D to Class C felony; amends KRS 532.080 relating to persistent felony offenders to apply persistent felony offender provisions to Class A, B, and C felons only; amends KRS 635.020 to provide that children fourteen years of age or older who commit felonies in which a firearm was used be tried as adults in the circuit court and subject to adult penalties, except for the place of incarceration, until they are eighteen, in which case they shall be transferred to prison; creates a new section of KRS Chapter 527 to prohibit using armor-piercing or black Talon ammunition in a crime as a felony offense; creates a new section of KRS Chapter 431 to provide for a \$5.00 service fee to be paid by the defendant in misdemeanor cases other than traffic cases, to provide funding for handgun record checks under the federal Brady Handgun Violence Prevention Act; provides that the first \$300,000 goes to State Police and any excess to the General Fund.

HB 395

AN ACT relating to an agricultural logo program.

Amends KRS 260.015 to delete the requirement that products must contain a minimum percent of a Kentucky-produced agricultural commodity in order to use the Kentucky logo on the package.

HB 398

AN ACT relating to fire protection.

Creates a new section of KRS Chapter 75 to allow the formation of a fire protection subdistrict within an existing fire protection district or volunteer fire department district; requires trustees of the existing district to manage the subdistrict; requires fiscal court to consider forming a subdistrict on receiving a petition signed by 60 percent of the property owners within the proposed subdistrict; allows the levy of an extra property tax to fund the subdistrict, not to exceed 10 cents per \$100 when combined with the property tax on the existing district; requires the extra revenue to be spent solely on improved facilities and services for the subdistrict; requires private companies which use employees for fire brigades to use only employees who volunteer; amends KRS 95A.020 to require the Commission on Fire Protection Personnel Standards and Education to include two chiefs of volunteer fire departments; requires the commission to include a teacher or administrator representing the fire and rescue training service of the Office of Kentucky Tech System, rather than a teacher or administrator of vocational education; removes the requirement that the physician on the commission be a practicing physician; requires, rather than recommends, that the commission include members meeting the qualifications listed in KRS 95A.020; makes the commissioner of the Department for Adult and Technical Education, rather than the state fire marshal, an ex officio member of the commission.

HB 399

AN ACT relating to waste tires.

Amends KRS 224.50-830 to clarify that open burning of waste tires is prohibited; amends KRS 224.50-844 to limit the exemption from collecting the waste tire fee to persons making retail sales of tires who have a contract for the disposal of waste tires with a residual landfill, a recovered material processing facility, or a recycling facility; directs the cabinet to allow residual

ACTIONS OF THE 1994 GENERAL ASSEMBLY

landfills to accept waste tires; requires facilities burning waste tires to comply with requirements relating to facilities being consistent with solid waste management plans; requires monthly reports of tires sold and waste tires disposed of each month.

HB 400

AN ACT relating to hospital taxing districts.

Amends KRS 216.317 to provide that a hospital taxing district may be created with a tax rate levy of zero; creates a new section of KRS Chapter 216 to provide that the board of a hospital taxing district created after January 1, 1994, in which the initial tax rate levy was zero, shall submit any proposed tax rate levy to the fiscal court for consideration; provides that after consideration, fiscal court may approve or deny proposed tax rate levy; provides that any tax rate change approved by the board or the county fiscal court shall be subject to the provisions of KRS 132.023.

HB 401

AN ACT relating to safety officers.

Amends KRS 67A.075 to permit safety officers in urban-county governments when completing accident reports to issue citations relating to out of state drivers, unlicensed drivers, and drivers not in possession of a license; amends KRS 186.510 to conform; amends KRS 83A.088 to allow all city citation officers to issue citations for violations of KRS 186.430, 186.450, 186.510 and 186.540; renumbers and changes remaining sections to conform.

HB 402

AN ACT relating to petroleum storage tanks.

Amends KRS 224.60-125 to increase to 11 from 9 the membership of the Petroleum Storage Tank Environmental Assurance Fund Commission, to allow the chairperson to be elected by the membership, and to stagger the membership terms of the members who are not public officials; requires registration of petroleum storage tanks by July 15, 1995 and allows the commission to extend the deadline to register to July 15, 1996; increases the fee paid per gallon of gasoline and special fuels sold to one and four-tenths of a cent per gallon from four-tenths of a cent; lowers the level of financial responsibility for owners of six to ten tanks from \$25,000 to \$5,000 per occurrence, and lowers the level of financial responsibility for owners of five tanks or less from \$10,000 to \$1,000 per occurrence; specifies that the petroleum storage tank owners or operators of 6 to 10 tanks and 5 or fewer tanks establishing financial responsibility are those who have not been issued a closure letter from the cabinet; eliminates the provision that would allow an alternative financial responsibility level to be the amount of entry level to the fund set by administrative regulation of the commission; adds as a member of the fund commission a representative of the Attorney General's office; specifies that the commission member from the Attorney General's Office shall be appointed for a term of two years.

HB 405

AN ACT relating to teachers' retirement at regional universities.

Creates new sections of KRS 161.230 to 161.716 to permit regional universities to offer optional retirement plans to faculty hired on or after July 15, 1994; requires the boards of regents to purchase contracts from two or three companies; requires the companies to offer contracts which are portable from one state to another; requires new faculty members to make an irrevocable decision to participate in the optional retirement plan within 60 days of employment; requires the faculty member to participate in KTRS if he does not choose the optional plan;

ACTIONS OF THE 1994 GENERAL ASSEMBLY

exempts benefits of the optional retirement plan from state, local, or municipal tax, assessment for the insolvency of any insurance company, levy, sale, garnishment, attachment, or any other process; requires that each institution contribute for each participant in the optional retirement plan 3-1/2% of salary to the optional plan, and 5-1/2% to the Kentucky Teachers' Retirement System; requires that the participant in the optional plan contribute 7.23% of salary to the plan, reduced by the amount necessary to fund a disability program for the participants.

HB 408

AN ACT relating to early intervention services for infants and toddlers with disabilities and their families.

Creates various new sections of KRS Chapter 200 to declare the findings and intent of the General Assembly; establishes the Kentucky Early Intervention System for infants and toddlers with disabilities and their families to be attached to the Cabinet for Human Resources for administrative purposes; defines terms; creates a coordinating council; sets forth the members and duties of the council; establishes the responsibilities of the cabinet; requires the creation of one (1) district early intervention committee with each of the fifteen (15) area development districts and sets forth the members and duties of the committees; requires the formation of a child specific multidisciplinary team to develop an individualized family services plan for each eligible child and the family; requires personnel development and training and monitoring by the cabinet to ensure qualified service providers; requires an aggressive effort to find all eligible infants and toddlers with disabilities which is to be coordinated with the child finding efforts of the state Department of Education; requires the establishment of a public awareness effort by the cabinet; establishes the rights of the infant or toddler with disabilities and the parent or guardian of the child; prohibits the use of early intervention funds to supplant existing funds from other sources; clarifies that there shall be no reduction or alteration of specified funds, eligibility, or services.

HB 414

AN ACT relating to complaints against police officers.

Amends KRS 15.520 relating to complaints against police officers to permit the accused police officer who is a defendant at a disciplinary hearing to compel the issuance of a subpoena to compel the attendance of witnesses or production of evidence on his behalf.

HB 417

AN ACT relating to persons with disabilities.

Amends various sections of KRS Chapters 29A, 117, 186, 189, and 198B to comply with the federal Americans with Disabilities Act; requires that the promulgated administrative regulations require certain buildings to be accessible to physically handicapped persons and specify the exceptions; restores habitual drunkards and drug addicts to the list of persons prohibited from being granted a motor vehicle operator's license; exempts "church buildings and historical structures whose historic significance would be threatened or destroyed" from administrative regulations relating to accessible buildings, and deletes the exemption for small business concerns; deletes references to "handicapped," and substitutes references to "persons with a disability."

HB 420

AN ACT relating to the development of the primary and secondary wood products industries.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Creates Subchapter 47 of KRS Chapter 154 and creates new sections thereof establishing the Kentucky Forest Products Council; provides for appointment of council members; directs that the council shall be attached to the Cabinet for Economic Development; directs that the Cabinet for Economic Development and the Natural Resources and Environmental Protection Cabinet shall provide staff services to the council; directs council to cooperate with the Cabinet for Economic Development and wood products industries applying for economic revitalization or development project inducements.

HB 421

AN ACT relating to abandoned utilities.

Creates a new section of KRS 278, relating to the Public Service Commission, authorizing the commission to request appointment by the Franklin Circuit Court of a receiver for any abandoned utility.

HB 426

AN ACT relating to insurance.

Amends KRS 304.2-260 by requiring the commissioner to enter an order within sixty days (60) days of the insurer's response to the examination report; requires the commissioner to withhold from public inspection any examination report of a domestic insurer as provided in KRS 304.2-270; amends KRS 304.2-270 to permit the commissioner to disclose the contents of reports of examinations of domestic insurers to certain persons; amends KRS 304.3-240 to require annual financial statements to be on forms prescribed by the National Association of Insurance Commissioners; creates a new section of Subtitle 37 of KRS Chapter 304 to prohibit a security from being voted at a shareholder's meeting under certain circumstances; amends KRS 304.37-010 by changing the definition of "control" to refer to ten percent rather than fifteen percent of the voting securities; amends KRS 304.37-020 by requiring a member of an insurance holding company to register annually with the commissioner and by eliminating the exemption from disclosure of cost allocation arrangements based upon generally accepted accounting principles; amends KRS 304.45-030 by requiring a risk retention group to notify the commissioner within ten days of any change in control of the group, the coverage afforded, and the states where the group operates; requires risk retention groups to file annual statements with the commissioner; amends KRS 304.45-040 by requiring a risk retention group to notify the commissioner within ten days of any changes in the information required by this statute to be filed with the commissioner; amends KRS 304.45-060 by requiring a purchasing group to notify the commissioner within ten days of any changes in the information required by this statute to be filed with the commissioner; amends KRS 304.45-130 to require agents to notify applicants that any policy issued by a risk retention group may not be subject to all state insurance laws and is not covered by the state insurance insolvency guaranty funds; amends KRS 304.5-140 to conform with the National Association of Insurance Commissioners model law on credit for reinsurance.

HB 427

AN ACT relating to insurance.

Amends KRS 304.2-150 (4) to allow the Department of Insurance to destroy its financial records after five years; amends KRS 304.2-140 to authorize the Commissioner of the Department of Insurance to invoke penalties against any person who willfully violates a subpoena; amends KRS 304.2-340 to authorize that a subpoena be served as if from a court record except a subpoena may be served upon a licensee or certificate of authority holder or their employee as provided in KRS 304.2-120; amends KRS 304.7-020 to allow investments possessed prior to July

ACTIONS OF THE 1994 GENERAL ASSEMBLY

12, 1994 to be eligible investments; amends KRS 304.7-270 to disallow an insurer from making investments other than the prohibitions in KRS 304.7-053(3) in an aggregate amount not over the lesser of 10% of its assets or the excess capital and surplus over \$1,250,000; amends KRS 304.14-560 to require the commissioner to compile a consumer's guide to longterm care insurance every other year; amends KRS 304.14-615 and 304.37-020 to correct typographical error; amends KRS 304.16-085 to limit dependent coverage to fifty percent of the insurance on the life of the employee or group member; amends KRS 304.17-120 to require that payment from the insurer and to the insured be made within thirty days; amends KRS 304.7-050 to prohibit any insurer from any one time combination of investments in any one person aggregating an amount exceeding the lesser of an amount equal to the insurer's capital and surplus over \$1,250,000; amends KRS 304.17-042, 304.18-032, 304.32-153, and 304.38-199 to provide that coverage for newly born children from the moment of birth does not require family coverage to be in force prior to the birth of the child and that coverage can be provided by individual health policies, group and blanket health insurance policies, nonprofit health service corporation policies and health maintenance organization contracts delivered in this state on or after July 15, 1994; amends KRS 304.3-040 and 304.28-010 to replace the word "individuals" with the word "persons"; amends KRS 304.38-050 to allow the commissioner sixty days to approve or disapprove any form or rate filings by a health maintenance organization; amends KRS 304.44-010 to add the word "direct" to describe the type of loss that will be paid by the mine subsidence insurance and to add "water seepage": to lists of perils not covered by mine subsidence insurance; amends KRS 304.13-051 and 304.13-071 to authorize the Commissioner to approve rates justified by evidence at any hearing concerning an increase in Workers' Compensation rates; repeals KRS 304.2-155, 304.15-140, and 304.18-115.

HB 432

AN ACT relating to the state board of examiners and registration of landscape architects.

Creates a new section of KRS Chapter 323A to limit the length of time a licensee may hold an expired license to not more than 2 months, establishes conditions for restoration of a license; prohibits licensees with a suspended or revoked licenses from practicing landscape architecture; allows inactive licensees to maintain the name landscape architects but prohibits practice and establishes conditions for reactivation of an inactive license; amends various sections of KRS chapter 323A to define the terms "expired license," "suspended license," "revoked license," and "inactive license;" specifies that individuals exempted under the golf course design exemption shall be certified by the American Society of Golf Course Architects; requires examination sections to be successfully passed within a continuous 3 year period; allows the board to assess reactivation, reexamination, renewal, and restoration fees; requires notification of a change of address of a licensee within 30 days; allows restoration of a license suspended for failure to complete continuing education requirements upon payment of fees and proof of completion of continuing education requirements; increases fines to not less than \$100 nor more than \$1,000; allows revocation of licenses upon the practice of landscape architecture while the license is inactive; exempts certain license suspensions from the requirement to hold a hearing; increases board compensation to not more than \$100; requires the board to keep a record of license suspensions and inactive licenses; and makes various technical changes.

HB 436

AN ACT relating to grain.

Amends KRS 251.650 to allow the Kentucky Grain Insurance Fund board to pay legal expenses from the interest earned in the investment of the fund.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HB 442

AN ACT relating to the Education Professional Standards Board.

Amends KRS 161.030 to authorize the Education Professional Standards Board to establish certification requirements for teachers in the public school notwithstanding the age of the pupil being taught; provides that an individual teaching in a nonpublic school may seek voluntary certification from the Education Professional Standards Board; deletes certain requirements for training of teachers' aides; requires teachers' aides' training to be conducted by the local school district rather than by the Department of Education; requires that teachers' aides be trained with the certified person with whom they work.

HB 445

AN ACT relating to licensure fees for the board of physical therapy.

Amends KRS 327.050 to allow the board to charge an application fee and a fee for licensure examinations, in an amount sufficient to cover the actual cost of the examination; makes technical corrections.

HB 448

Amends KRS 174.425 to update and conform to federal code relating to the shipment of hazardous materials by the United States government; makes conforming amendments.

HB 449

AN ACT relating to liquefied petroleum gas.

Amends KRS 234.120 to reclassify the licenses required for businesses handling liquefied petroleum gas; provides for five license classifications, with fees, and minimum requirements for liability insurance; deletes current licensing classifications; includes a grandfather clause to exempt liquefied petroleum gas dealers from the requirement to maintain an eighteen thousand (18,000) minimum capacity gas storage facility if they have a valid license or licenses on the effective date of the Act.

HB 452

AN ACT relating to pesticides.

Amends KRS 217.570 to increase the annual fee to register a pesticide from \$20 to \$125; designates up to \$100,000 of these annual fees to be used by the Department of Agriculture in its "Kentucky Agriculture and Environment in the Classroom" program; designates up to \$200,000 of these fees to be used by the department for a farm chemical and container disposal program; designates up to \$550,000 of these fees to be used in a cost-sharing program for the use of farmers in implementing agricultural production practices to protect soil and water resources.

HB 455

AN ACT relating to sales and use tax.

Amends KRS 139.170 to revise definition of "machinery for new and expanded industry;" to exclude repair and replacement parts; amends KRS 139.470 to exclude repair and replacement parts from the definition of industrial supplies; provides for an effective date of August 1, 1994.

HB 458

AN ACT relating to deaf or hard of hearing students attending public institutions of higher education.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 164.478, relating to support services for deaf and hard of hearing students in institutions of higher education, to require availability of assistive listening devices in dormitories housing deaf or hard of hearing students; makes the Department for Vocational Rehabilitation, as opposed to the Council on Higher Education, responsible for administering state funds for support services; distributes funds to institutions based upon actual costs of established fees for services.

HB 459

AN ACT relating to crime, punishment, and corrections.

Creates a new section of KRS Chapter 196 to authorize the transfer of foreign citizens or nationals incarcerated in Kentucky to their home countries to serve their sentences; amends KRS 196.070 to bring the new Green River Correctional Complex prison under the administration of the Commissioner; amends KRS 197.010 to include the new Green river Correctional Complex within the definition of penitentiary; amends KRS 197.025 so that the Department's policies and procedures relating to security shall not be accessible to the public including inmates; amends KRS 197.510 to decrease the performance bond required of private prison providers from 70% to 20%; creates a new section of KRS chapter 197 to provide the statutory authority for additional penalties for violation of private prison contracts; amends KRS 202A.201 to require a mental health examination rather than a physical exam prior to transferring an inmate with mental health problems to a facility operated by the Cabinet for Human Resources; amends KRS 216.270 to exempt medical facilities operated by the Department of Corrections from definition of facility in Health Care Data Commission statutes; revises KRS 432.570 to allow parole and probation officers to carry two-way radios in private vehicles; amends KRS 439.304 to remove the requirement that the Commission on Corrections and Community Services meet at least every three months; amends KRS 439.315 to collect supervision fees from out-of-state probationers and parolees; amends KRS 439.420 to delete reference to conditional release, a form of release which no longer exists; amends KRS 439.570 to require out-of-state parolees and probationers to pay supervision and drug testing fees; amends KRS 533.060 dealing with consecutive sentencing policy for persons who are convicted of a new felony who have been conditionally discharged, paroled, or given shock probation from a state correctional facility; repeals KRS 196.240 relating to religious instruction and administration for confined persons; amends KRS 196.990 and 210.310 to conform.

HB 462

AN ACT relating to the Personal Care Assistance Program.

Amends KRS 205.900, relating to definitions for the operation of the Personal Care Assistance Program, to redefine the term "qualified agency or organization" to include an agency or organization whose purpose is to provide services to adults with physical disabilities and with consumers of independent living services representing a majority of the agency's governing or advisory board; provides that when no qualified agency or organization exists, an agency or organization may become a qualified provider when consumers of personal care assistance services are a majority of the agency or organization's advisory council.

HB 466

AN ACT relating to consent annexation.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 81A.412 to require cities, which annex territory with the prior consent of the landowner, to enact and publish only a final public notice of the action and forego the requirements of KRS 81A.425; deletes the 60 day waiting period for final annexation; requires the attachment of zoning documents if the city has determined the zoning of the area prior to the annexation.

HB 469

AN ACT relating to business opportunities.

Amends various sections of KRS Chapter 367 and creates a new section to clarify and expand the definition of business opportunity; expands disclosure to the Attorney General and purchasers; makes certain exemptions; enhances enforcement by providing funds from the registration and renewal processes for the Consumer Protection Division; provides expanded financial accountability and disclosure of the business opportunity to the consumer; provides a more extensive cancellation process for consumers.

HB 472

AN ACT relating to child support.

Amends KRS 205.710 to include spousal support in the definition of "duty of support"; changes "Spousal support" to "maintenance"; requires that opposing party be notified of a motion for temporary child support; provides that motion for temporary child support be ruled on by the court within 14 days of the petition; defines "imputed child support obligation"; amends KRS 205.712 to permit the Cabinet for Human Resources and its designees for the child support recovery program to seek modification of child support obligations; prohibits the cabinet from contracting with an official when a prior cooperative agreement with that official is canceled for good cause; clarifies that the role of the local county attorney, friend of the court, domestic relations agent, or other designee of the cabinet is to represent the cabinet and that there is not an attorney-client relationship with the applicant requesting services; amends KRS 205.720 to include applicants for public assistance as persons who have made an assignment to the cabinet of the right to any child or spousal support owed; requires payment of current and past due court-ordered or administratively-determined child support owed to the physical custodian of the child when Title IV-D services are terminated; amends KRS 205.730 to require the cabinet to attempt to locate custodial parents upon request of the putative father in order to establish paternity; includes references to the Uniform Interstate Family Support Act; amends KRS 205.769 to require the cabinet to refer for federal income tax refund offset; permits referral of income tax refund intercept for child, spousal, and medical support amounts included in orders for children receiving medical assistance; establishes the unfettered right of the cabinet to intercept federal and state income tax refunds; amends KRS 205.792 to delete the time limits for service upon parents when administrative process is used to determine the monthly support obligation; amends KRS 403.090 to clarify references to an appointed authority by inserting the term "friend of the court"; permits the friend of the court to seek the modification of an order of support; amends KRS 342.180 to exempt court or administratively-ordered child support from the prohibition against claims on workers' compensation; amends KRS 403.160 to permit either party in a dissolution, legal separation, or child support proceeding to move for temporary child support; permits the child support to be retroactive to the date of filing; amends KRS 403.211 to require the proportional allocation of child care costs incurred due to employment, job search, or education leading to employment in addition to the amount ordered under the child support guidelines; requires the court to order the cost of health care insurance regardless of who has physical custody; requires the proportional allocation of extraordinary medical expenses between the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

parents; permits the cabinet or the other parent to enroll the child in health care coverage if the parent ordered to enroll the child has failed to do so; amends KRS 403.212 to include Supplemental Security Income (SSI) as income to be considered as gross income for child support calculation; permits the court to find a parent as voluntarily unemployed or underemployed without finding the parent intended to avoid or reduce the child support obligation; reduces the combined adjusted parental gross income by the amount of preexisting orders for maintenance, current child support for prior born children, and the amount paid for the support of other prior born children who are not the subject of the proceeding; establishes the minimum amount of child support as sixty dollars (\$60) per month; extends the table for the child support guidelines for income above \$10,000 up to \$15,000 per month; amends KRS 403.213 to permit the use of the child support guidelines for modification of child support orders for health care; amends KRS 405.430 to prohibit any person from knowingly making a false statement, representation or entry in any application, report, or document used to determine child support or child care obligations; amends KRS 405.456 to include medical support insurance and spousal support orders as applicable to this section; amends KRS 405.467 to permit the court to not require immediate income withholding when good cause is found or a written agreement is reached providing an alternative arrangement; permits the cabinet to issue an order for withholding for a parent's share of the medical insurance coverage if the parent has failed to obtain coverage as required; requires advance notice of withholding; establishes as the only basis for contesting the withholding as a mistake of fact or law; prohibits the withholding from exceeding federal allowable limits and requires the amount withheld to be applied first to the child support obligation and then to the medical support obligation; amends KRS 405.991 to establish Class A misdemeanor as the penalty for knowingly making a false statement, representation or entry in any application, report, or document used to determine child support or child care obligation; amends KRS 406.021 to permit paternity actions to be brought by the cabinet or its designee in addition to the county attorney; require the cabinet or its designee to bring action to enforce the liabilities of the cost of pregnancy, birthing costs, child support, and medical support; creates a rebuttable presumption of paternity for voluntary acknowledgment of paternity made pursuant to KRS 213.046; requires a default judgment of paternity when service of process can be shown and the defendant makes no pleading or enters no evidence; amends KRS 406.091 to require written objection to genetic testing results within twenty (20) days before a hearing at which the results may be introduced into evidence and consider the test results as admissible if no objection is made; amends KRS 407.410 to permit this state to recognize paternity determination made by any other state whether by voluntary acknowledgment or administrative or judicial processes; amends KRS 427.045 to specify the exemptions made for attachments to workers' compensation shall not apply for the collection of child support; amends KRS 514.040, relating to theft by deception, to substitute that the maker, instead of the issuer, in a provision dealing with failure to make good within ten (10) days after receiving notice that payment was refused for lack of funds.

HB 474

AN ACT relating to charitable solicitations.

Creates and amends various sections of KRS Chapter 367 to require that professional solicitors register with the Attorney General and post a \$25,000 bond; defines "contribution" as a thing of value given in response to a solicitation for a charitable or civic purpose; defines "fundraising consultant" to exclude a bona fide salaried officer, employee, or volunteer of a charitable organization, unless he is employed by another organization as a fundraising consultant or a professional solicitor; clarifies that an organization needs to file with the Attorney General, a Form 990, only if required by the IRS; clarifies that if a newly formed charitable organization has yet to file a Form 990 with the IRS he shall file a notice of intent to solicit with the Attorney General; requires fundraising consultants to register; requires that a contract between a professional solicitor and a charity, or a charity and the fundraising consultant be filed with the Attorney General's office; sets out requirements of the contract; establishes procedures by which a professional solicitor or fundraising consultant can appeal the Attorney General's decision to deny the professional's registration including an administrative hearing and judicial review; sets out grounds for revoking, suspending, and refusing the registration; permits the Attorney General to bring action in the Franklin Circuit Court or in the Circuit Court in which the fundraising campaign is conducted to revoke or suspend a registration statement; requires the professional solicitor to file a detailed financial report with the Attorney General; clarifies that deceptive, unfair, misleading, or false acts and practices violate KRS 367.170; requires the professional solicitor to keep financial records on file for at least three years after completion of the campaign; requires professional to disclose name, address, charitable purpose for which moneys will be used and the fact that he is a professional to prospective donor; permits locality to establish additional regulations; amends KRS 367.667 to make it an unfair practice or act for a professional solicitor to represent that moneys are going to charity when the contract allows more than 50% of the moneys to go to the professional, unless that fact is disclosed to the prospective donor; amends various other sections to conform; sets penalties; repeal KRS 367.655.

HB 479

AN ACT relating to the Kentucky Unified Juvenile Code.

Amends KRS 620.040 to require the Cabinet for Human Resources to make a written report concerning a child abuse investigation to the local prosecutor and local law enforcement within seventy-two (72) hours after the abuse is first reported.

HB 481

AN ACT relating to environmental protection.

Amends 224.60-137 to include lead in the study to identify corrective action standards for leaks from underground tanks and to account for environmentally sensitive features in setting the standard; requires that the contractor that conducts the study shall revise the study, as necessary, due to changes in federal law or new information, and comment on regulations proposed by the cabinet to implement the study; requires cabinet regulations to incorporate the results of the study, to revise regulations based on revisions to the study, and to promulgate regulations based on the study that shall supersede existing regulations; establishes guidelines for cabinet approval of corrective action; requires the October 18, 1993 study to comply with this Act; requires inconsistencies between the study and cabinet regulations to be identified in writing; requires the cabinet to promulgate regulations within 180 days of the effective date; establishes a procedure to review and comment on draft cabinet regulations; requires study on corrective action standards be completed within 120 days, rather than 30 days, of the effective date of this ACT; directs the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

cabinet to incorporate any peer review group's recommendations into the cabinet's draft administrative regulations and to file the regulations with the Legislative Research Commission within 60 days, rather than 30 days, of receipt of the recommendations; permits a person submitting a corrective action proposal to the cabinet to make a request 30 days later for final determination; requires the cabinet to make its final determination within 60 days of receiving the request; permits a person receiving the cabinet's final determination to request a hearing pursuant to KRS 224.10-420; requires the existing emergency administrative regulations to continue in effect longer than 120 days if the new administrative regulations are not effective; EMERGENCY.

HB 482

AN ACT relating to the sale and distribution of fertilizers.

Amends various sections of KRS Chapter 250, relating to fertilizers, to define terms; changes phosphoric acid to phosphate; prohibits a blender from being required to register each custom-mixed farm fertilizer; prohibit a distributor from being required to register each grade of custom-mixed or bulk specialty fertilizer for home lawns, golf courses, recreational areas, or other nonfarm areas; requires a distributor of custom mixed or bulk specialty fertilizer for home lawns, golf courses, recreational areas, or other non-farm areas to license with the Director of the University of Kentucky Agricultural Experiment Station for an annual fee of \$100.

HB 483

AN ACT relating to development of business and agriculture and making appropriations therefor.

Amends various sections of KRS Chapter 154, relating to development, to define terms including "agribusiness" and "business network"; makes "agribusiness" eligible for state financial assistance programs administered by the Kentucky Economic Development Finance Authority; qualifies agribusiness eligible to participate in state economic development financial and other assistance programs, including business network programs approved by the Cabinet for Economic Development and a business network revolving loan fund created and funded under the provisions of the Act; includes agribusiness processing of raw agricultural products, including timber, and value-added functions in the Commonwealth Venture Fund; includes "agribusiness" projects eligible for funding under the Kentucky Rural Economic Development program (KREDA); includes "agribusiness" projects eligible for financial assistance under the Kentucky Industrial Revitalization Authority (KIRA) programs; includes "agribusiness" under the list of business entities eligible for financial assistance under the Kentucky Industrial Development Authority (KIDA); creates a new section of Subchapter 20 of KRS Chapter 154, regarding state financing of economic development projects, to mandate the Kentucky Economic Development Finance Authority to give priority consideration to projects of business enterprise, including agribusinesses, which are members of an approved business network and which are within a targeted industrial sector as set forth in the state's strategic plan for economic development; creates a new section of Subchapter 12 of KRS Chapter 154 to establish within the cabinet the Regulatory Expediting Center to assist industries and businesses proposing to locate or expand existing operations in Kentucky with applications for permits, licenses, certificates, registration, and other forms of authorization or permits required by state, federal, or local agencies; mandates the center to give priority to members of a business network approved by the state; directs the State Business Information Clearinghouse within the cabinet to staff the Regulatory Expediting Center; creates Subchapter 31 of KRS Chapter 154 to establish a business networks revolving loan fund in the State Treasury; requires the Kentucky Economic Development Finance Authority

ACTIONS OF THE 1994 GENERAL ASSEMBLY

to administer the fund; specifies members of approved business networks, including businesses engaged in value-added food production and other businesses which have been identified by the Kentucky Economic Development Partnership, as target industries in the state's economic development strategic plan; limits the amount of loans to any business to 10 percent or less of the total amount of funds available; directs the authority to consult with the Kentucky Department of Agriculture regarding development of standards and conditions applicable to loans to agribusiness and agriculture related loan applications; directs the authority to recommend administrative regulations to the Kentucky Economic Development Partnership for promulgation in accordance with KRS Chapter 13A; amends KRS 141.0101 to provide that qualified farming operations may depreciate new buildings and equipment to enable participation in a networking project at two times the rate that would otherwise apply to the property; provides a non-refundable income tax credit against income generated by a qualified farming operation through participation in a networking project; allows credit to be available for the first five years that the farming operation participates in the networking project; credits not used in the year earned may be carried forward for five years; limits the credit to the amount expended for training and improving the skills of managers and employees involved in the networking project; requires farming operation must be involved in producing crops or livestock that support secondary food processing facilities in Kentucky; creates new sections of KRS Chapter 262 to declare the General Assembly's intent to enhance agriculture and to preserve farmland through the purchase of agricultural conservation easements; prohibits the state from acquiring an agricultural conservation easement unless the landowner voluntarily agrees; defines terms used in the Purchase of Agricultural Conservation Easements (PACE) program; establishes the PACE Corporation and the PACE Board to govern the corporation; authorizes the PACE Board to implement the PACE program; requires land included in an agricultural conservation easement under the PACE program to be restricted to use as agricultural land for the production of crops, livestock and livestock products, and nursery and greenhouse products, and their processing and marketing; requires the landowner of the restricted land to implement a conservation plan approved by the local soil and water conservation district; requires the construction of new nondwelling buildings and structures on the restricted land to be approved by the PACE Board prior to construction; prohibits the subdivision of restricted land without the advance written approval of the PACE Board; allows grant of rights-of-way through restricted land; prohibits the extraction of natural resources that would disturb the surface of the restricted land without the advance written approval of the PACE Board; requires the landowner of the restricted land to be responsible for the payment of taxes on the land and to maintain the land; creates the agricultural enhancement fund to acquire agricultural conservation easements; restricts the use of more than 10 percent of the moneys in the fund for administrative purposes; requires the state Department of Agriculture to identify lands of statewide agricultural importance; amends KRS 100.191 to require the local comprehensive plans for planning and zoning to include the identification and mapping of agricultural lands of statewide importance and an analysis of the impacts of community land use needs on agricultural lands of statewide importance; amends KRS 262.850 to allow the local conservation district board and the Soil and Water Conservation Commission to permit fewer than 250 contiguous acres to comprise an agricultural district if the proposed area meets a minimum annual production performance established by the district board and approved by the commission; requires the Soil and Water Conservation Commission to notify the local county clerk of the creation of an agricultural district; requires each landowner of land within an agricultural district to remain in a district for a five-year period; allows the local conservation district to amend an existing certified agricultural district if approved by the Soil and Water Conservation Commission; amends KRS 262.875 to require a state agency to report an agricultural impact assessment to the Interagency Farmland

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Advisory Committee before acquiring farmland; requires all state projects to be located so that minimal interference is made with the productivity of agricultural lands of statewide importance; creates a new section of KRS 262 to establish the Kentucky Soil Erosion and Water Quality Cost-Share Fund; requires the fund to provide financial assistance to owners of land for the implementation of best management practices for the purpose of providing cleaner water and the reduction of the loss of topsoil; requires a landowner participating in the cost-share program to execute a statewide conservation plan and to maintain best management practices; allows up to 5 percent of the funds to be used for administrative costs; amends KRS 141.347, 141.400, 141.403, and 141.407 to permit pass through entities to apply the amount of the tax credit permitted as an estimated tax payment for future taxes, rather than as a tax credit.

HB 484

AN ACT relating to air pollution control.

Creates and amends various sections of KRS Chapter 77, relating to air pollution control districts, to change the requirements for air pollution control officers; gives the air pollution control board regulatory authority of the district and abolishes the hearing board in a county with a city-county compact; allows air pollution control boards to set emission standards; declares emission standards and permit requirements inapplicable to single owner-occupied private residences, except where asbestos may be disturbed; establishes procedures for adoption of regulations by air pollution control boards; sets standards for permit applications; requires districts to allow changes without permit revisions, if emission standards and federal requirements are met and if written notification is given; sets forth the method of calculating emission fees which are to be used to implement Title V of the federal Clean Air Act; allows districts to assess additional permit fees; in counties containing cities of the first or second class, establishes an air quality trust fund to support research, education, and air quality projects; sets quorum and voting requirements for air pollution control boards considering issues relating to the air quality trust fund; requires a district to notify violators of the provisions being violated; allows districts to hold settlement conferences; allows an aggrieved party to petition a district for a hearing; sets standards for hearings; allows appeals to Circuit Court of district orders and permit actions; amends penalties for violations of KRS Chapter 77.

HB 485

AN ACT relating to ophthalmic dispensers

Creates a new section of KRS chapter 326 to allow the Kentucky Board of Ophthalmic Dispensers to issue licenses for apprentice ophthalmic dispensers; establishes fees at \$50; requires continuing education; allows the chairman of the board to issue temporary apprentice ophthalmic dispenser permits; requires filing of an outline of the training schedule and overview of the facilities by a sponsor; limits a sponsor to not more than 2 apprentices and requires notification of change of the sponsor relationship; amends KRS 326.020 to allow the board to adopt a program for continuing education and limits the maximum number of hours to 6 per year for ophthalmic dispenser licensees and 4 for apprentice ophthalmic dispenser licensees; and amends KRS 326.080 to increase fees for licensure to a maximum of \$75 and requires proof of continuing education.

HB 488

AN ACT relating to reorganization of the Revenue Cabinet and declaring an emergency.

Amends KRS 12.020 and 131.020 to change the name of the Department of Tax Compliance within the Revenue Cabinet to the Department of Compliance and Taxpayer

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Assistance, and to create the Office of General Counsel; names the divisions of departments and specifies their responsibilities; EMERGENCY, EFFECTIVE APRIL 16, 1994.

HB 490

AN ACT relating to school athletics.

Amends KRS 156.070 to require the State Board for Elementary and Secondary Education or its designated agency for the management of interscholastic athletics to assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered.

HB 494

AN ACT relating to the Kentucky Unified Juvenile Code.

Amends KRS 610.010, relating to district court jurisdiction of juvenile matters, to grant continuing jurisdiction to review dispositional orders relating to a child adjudicated abused or neglected, conduct dispositional hearings under federal law 42 USC 675(5)(c); and creates a new section of KRS 610 to establish the factors to be presented and considered and the responsibility of the court in dispositional hearings.

HB 497

AN ACT relating to the regulation of dietitians and nutritionists.

Creates new sections of KRS Chapter 310 to define the terms as used throughout the Act; establishes the criteria for licensure as a licensed dietitian; establishes the criteria for certification as a nutritionist; prohibits use of the terms dietitian, nutritionist, licensed dietitian, or certified nutritionist unless authorized by the board; exempts persons qualified under other health professions from the provisions of the Act, and certain students, certain dietitians serving or employed with the government, persons employed in hospitals or nursing homes, owners of health food stores, manufacturers, distributors and retailers of health foods, dietary supplements, and vitamins and other persons providing nutritional or dietary advice, provided no title is used; establishes powers and duties of the board; increases board membership to 7 members and designates the qualification of the members; allows the board to impose sanctions against licensees and certificate holders; designates the appointments to the board be made from a list submitted from certain groups, designates terms of office for board members, quorum, meetings, and establishes compensation of board members; establishes fees; grandfathers in, for a period of 1 year, applicants currently certified or licensed; and repeals KRS 310.010, .020, .030, and .060.

HB 499

AN ACT relating to the primary program.

Directs the Department of Education regional service center staff to make technical assistance available to school districts and school councils relating to safety and prevention of abduction and kidnapping of young children.

HB 500

AN ACT relating to natural gas pipeline safety.

Authorizes the public service commission to regulate the safety of all natural gas utility facilities, including those owned by cities or counties, or master meter systems; stipulates that this authority be exercised pursuant to the commission's authority to enforce the federal Natural Gas

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Pipeline Safety Act; authorizes promulgation of necessary administrative regulations; directs the commission, in exercising its authority to regulate safety aspects of all natural gas utility facilities, to assure that no action it takes gives an unfair competitive advantage to utilities over small businesses engaged in the installation and servicing of gas lines, master meter systems, or related equipment.

HB 501

AN ACT relating to demand-side management.

Creates a new section of KRS Chapter 278 to authorize the Public Service Commission to approve requests by utilities to conduct demand side management plans (including energy conservation activities); specifies factors commission is to consider before approval, including consideration of the amount of support by the Office of the Attorney General and customer representatives and the extent to which the plan provides programs which are available, affordable, and useful to all customers; authorizes the commission to permit utilities an alternative mechanism, instead of a new rate filing, to recover the cost of programs and revenues lost by implementing the plan and to obtain incentives with financial rewards to implement the plans; requires cost of demand-side management programs to be assigned only to those customer classes that will benefit; permits individual industrial customers with energy intensive processes to implement their own energy-saving measures in lieu of participating or paying for a utility demand-side management program; limits any commission consideration of a demand-side management plan proposal made outside of a rate hearing to review of the demand-side management issues and related rate-recovery issues; amends KRS 278.010 to define the term, demand-side management.

HB 505

AN ACT relating to retirement.

Amends KRS 95.860 and 95.861, relating to second class city police and firefighter pension systems, to increase initial survivor benefits for spouse or eligible children by the total increase the retired member may have received in the rate of his retirement annuity due to cost-of-living increases.

HB 508

AN ACT relating to city licenses.

Amends KRS 243.070 to permit a city to add to those upon whom the city can impose a license fee: a supplemental bar licensee, a restaurant wine licensee, a farm winery licensee, a farm winery retail licensee, a special temporary wine licensee, a caterer's licensee, and such other special licensees as the state board determines should be licensed.

HB 511

AN ACT relating to financing of development generally.

Amends KRS 154.20-010, regarding the Kentucky Economic Development Finance Authority, clarifying relationship of authority to the board of the Kentucky Economic Development Partnership; increases membership of authority's governing committee from five (5) to seven (7) members, six (6) of which shall be private citizens of the Commonwealth, and the secretary of the Finance and Administrative Cabinet who shall serve ex officio to have expertise in business as well as finance; staggers appointments; changes term of office from two (2) years to three (3) years; permits members to be eligible for reappointment; permits committee to appoint additional officers; provides that quorum shall consist of majority of members, excluding any

ACTIONS OF THE 1994 GENERAL ASSEMBLY

vacancies; amends KRS 154.20-130, regarding disclosure of interests by members of Kentucky Economic Development Finance Authority, by establishing a procedure thereon; amends KRS 154.22-010, regarding definitions of terms used in statutes relating to the Kentucky Rural Economic Development (KREDA) program, by defining the term "affiliate" of an approved company; includes acquisitions of real estate by an "affiliate" under the definition of "economic development project"; defines "inducements" as assessments and income tax credits allowed under KRS 154.22-060; defines "revenues" as not consisting of state funds; amends KRS 154.22-030, to include under terms subject to negotiation in financing agreement between Kentucky Rural Economic Development and approved company, the amount of approved costs on which the amount of recoupment is based; amends KRS 154.22-040, regarding certification of qualified counties under Kentucky Rural Economic Development program, to extend the deadline for entering into financing agreements of approved projects in decertified counties to July 1 of the year following decertification; permits rehabilitation of facilities that have been in operation for more than ninety (90) consecutive days, the title to which was sold or transferred to other than the eligible company or its affiliate under order of bankruptcy; permits replacement of facilities that cannot resume normal operations within twelve (12) months under order of power of eminent domain or which have been destroyed by fire or casualty to such extent that normal operations cannot resume within twelve (12) months; amends KRS 154.22-050, regarding Kentucky Rural Economic Development program, to limit period for which recoupment of costs through assessments and tax credits apply, from twenty-five (25) years to fifteen (15) years; directs approved company whose project costs have been recouped for the period in the amount set forth in the financing agreement to remit excess tax withholdings to state and local governments on assessment fees; amends KRS 154.22-055, regarding financing agreements, by making a technical amendment thereto; amends KRS 154.22-060, regarding determination of the amount of total tax credits allowable to an approved company, to be sum of tax liability and aggregate assessments not in excess of total debt service; requires Revenue Cabinet to certify to authority the approved company's Kentucky income tax liability for preceding "fiscal" year of approved company for which a return was filed; amends KRS 154.22-070, clarify application of term "employee" as it relates to imposition of job assessment fee by an approved company; makes technical amendments thereto; creates a new section of Subchapter 22 of KRS Chapter 154, regarding Kentucky Rural Economic Development Program to provide that the changes to Kentucky Rural Economic Development program statutes on effective date of this Act shall not be applicable to projects with financing agreements that were entered into prior to June 30, 1995; amends KRS 154.24-010 regarding definitions applicable to the Kentucky Jobs Development program to define "in lieu of credits"; clarifies terms "rent" and "service or technology"; amends KRS 154.24-040, regarding the powers and duties of the Kentucky Economic Development Finance Authority regarding the Jobs Development program, to make a technical amendment; amends KRS 154.24-080, regarding conflicts of interest of directors, officers and employees of the Authority, to set forth procedures applicable to disclosure of interests; amends KRS 154.24-090, regarding criteria applicable to approving projects under Kentucky Jobs Development program to require minimum of twenty-five (25) "full-time" jobs for "Kentucky residents" to be created in order to qualify for inducements; permits a company a one (1) year extension from date of approval of the final resolution of authority in order to comply; makes technical amendments thereto; amends KRS 154.24-100, regarding preliminary and final approval of projects under Kentucky Jobs Development program, to specify that the report to authority on the proposed project shall explain the "service or technology" activity for which state inducements have been requested; limits to one (1) year from the date of preliminary approval by the Authority for board to give its final approval; amends KRS 154.24-110, regarding tax credits and job assessment fees under the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Kentucky Jobs Development program, to provide that taxable year of the approved company means the "preceding fiscal year of the approved company for which the state tax return was filed"; clarifies application of state and local income tax credits to employees for job assessment fees paid; amends KRS 154.24-120, regarding "service and technology agreements" under the Kentucky Jobs Development program, to change the time period for activation of a project from two (2) years to one (1) year; clarifies language respecting suspension of an approved agreement when an approved company's employment commitments do not comply with statutory requirements; amends KRS 154.24-130 regarding the term limitation, on inducements after activating agreement, to clarify procedures applicable to recoupment of taxes by state and local government on tax credits and assessments taken in excess of expended approved costs; amends KRS 154.24-140, regarding economic development inducements under Kentucky Jobs Development program, to prohibit assessment of a person who is employed by the approved company prior to the date the preliminary resolution authorizing an economic development project is approved by the authority; amends KRS 154.24-150, regarding approval procedures applicable to Kentucky Jobs Development projects by local jurisdictions in which a tax credit against local occupational license fees shall be taken for job assessment fees imposed by approved company, by clarifying the application of "in lieu of credits" provisions prescribed under the Kentucky Jobs Development program statutes and by requiring local jurisdiction approval prior to authorizing job assessment fees; amends KRS 154.26-010, regarding definitions applicable to the Kentucky Industrial Revitalization program, to define "appropriation agreement" as an agreement among the approved company, authority and local governmental entities with respect to appropriations by the local governmental entities for the benefit of the approved company's project; amends KRS 154.26-020, regarding the Kentucky Industrial Revitalization program to clarify the legal relationship to the Kentucky Economic Development Finance Authority; amends KRS 154.26-070, regarding conflicts of interests, to require disclosure of conflicts by directors, officers and employees of authority in respect to projects considered for assistance by to the authority; amends KRS 154.26-080, regarding standards of eligibility applicable to Kentucky Industrial Revitalization projects, to permit the Kentucky Economic Development Finance Authority to engage the services of an independent consultant to determine whether an eligible company's facilities will close absent "a substantial investment" in the proposed project by the authority; amends KRS 154.26-090, regarding authorization of an approved project by the Kentucky Industrial Development program, to require the agreement between the authority and the approved company to include the "amount of approved costs" approved by the authority which shall be eligible for recoupment through inducements provided by law to the company; limits term of inducements to ten (10) years; requires reduction of maximum amount of allowable income tax credits by recovery of any assessments and appropriations made under an "appropriation agreement"; directs recoupment of tax credits granted in excess of fifty percent (50%) of approved costs; directs recoupment of tax credits on assessments when total of tax credits and assessments exceed fifty percent (50%) of allowable recoverable costs during any fiscal year of approved company; clarifies application procedures for approval of a financing agreement and appropriation agreement if the company elects to impose a wage assessment; makes technical amendments thereof; amends KRS 154.26-100, regarding job assessment fees under a Kentucky Industrial Revitalization program approved project, regarding application of credits for projects involving "appropriation agreements" and those projects in which an "appropriation agreement" is not employed; amends KRS 154.28-010, regarding definitions applicable to statutes authorizing the Kentucky Industrial Development program to define "affiliate" as it relates to companies eligible for tax credits provided under the provisions of KRS 154.28-090; makes technical amendments thereto; amends KRS 154.28-020, regarding the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Kentucky Industrial Development program to make technical amendments thereto; amends KRS 154.28-030, regarding powers of the Kentucky Economic Development Finance Authority under the Kentucky Industrial Development program, and provision of staff services, by making technical amendments thereto; amends KRS 154.28-070, regarding conflicts of interest, by establishing procedures applicable to disclosure of interest in a proposed project by officers, directors and employees of authority; amends KRS 154.28.080, regarding standards for approving Kentucky Industrial Development project proposals, by prescribing standards applicable to the approval of projects in which manufacturing facilities shall be rehabilitated or replaced; makes technical amendments thereto; amends KRS 154.28-090, regarding financing agreements applicable to approved projects by authority under the Kentucky Industrial Development program, by making technical amendments to conform; creates a new section of Subchapter 28 of KRS Chapter 154, to limit Kentucky Industrial Development Authority projects approved prior to June 30, 1995, to the statutory requirements in effect prior to effective date of this Act; amends KRS 61.878, regarding open records, to exempt information obtained from a company in conjunction with an application or administration of assessments, incentives, inducements and tax credits as described in KRS Chapter 154 from the provisions thereof; amends KRS 141.350, makes conforming amendments thereto; declares intent of General Assembly that amendments to KRS 61.878 shall be retroactive to July 15, 1992; creates new sections of KRS Chapter 11A, regarding the Executive Branch Code of Ethics, to limit application of KRS 11A.001 to 11A.110 to the Cabinet for Economic Development regarding acceptance of gifts or gratuities by officers or employees of the cabinet; requires any public servant working directly with the Cabinet for Economic Development to register any gift or gratuity of a reportable value under KRS 11A.050(3)(k) to be registered with the Kentucky Economic Development Partnership and the Executive Branch Ethics Commission, and to turn over to the cabinet any gift of tangible property with a value in excess of twenty-five dollars (\$25); removes persons seeking inducements and incentives from the Cabinet for Economic Development from provisions regarding "executive agency lobbyists"; requires filing of disclosure statement with the Executive Branch Ethics Commission after final action on an incentive package; permits the cabinet to delete information identifying the beneficiary, if the cabinet believes the identification would damage economic development.

HB 512

AN ACT relating to riverport authorities.

Amends KRS 65.510, relating to river port authorities, to define "economic environs" as political boundaries of governmental units establishing authority.

HB 513

AN ACT relating to property tax.

Amends KRS 132.385 to provide that any property valuation administrator awarded a (CKA) or an (SKA) designation shall receive a 5% salary increase provided sufficient surplus funds are available; amends KRS 133.040 to require property valuation administrators submit timely acceptable property recapitulations or suffer possible suspension of salary; establishes administrative and appeal procedures; amends KRS 132.220 to provide for a May 15 filing requirement for intangible property tax returns and allows for an extension for filing.

HB 514

AN ACT relating to consumer choice among psychologists and social workers through payment of insurance benefits where mental health services are covered.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Creates a new section of KRS Chapter 304 Subtitle 17, relating to health insurance contracts; Subtitle 18, relating to group and blanket health insurance; Subtitle 32, relating to self-insured private employer group health plans; and Subtitle 38, relating to health maintenance organizations, to expand the type of mental health professional who may be reimbursed by insurance providers to include licensed psychologists and licensed clinical social workers.

HB 517

AN ACT relating to retirement and declaring an emergency.

Amends KRS 61.691 to give KERS, CERS, and State Police retirees increases on July 1, 1994 and July 1, 1995; amends KRS 61.559 to permit a member of KERS who has 26 years of service credit, 16 of which is current consecutive service as a cabinet secretary or administrative head of one of the three branches of government, to retire; amends KRS 61.595 to permit a person qualifying under KRS 61.559 to retire without reduction of benefits; EMERGENCY.

HB 519

AN ACT relating to tobacco plants, and declaring an emergency.

Creates new sections of KRS 250 to define dealer as a person who distributes advertised tobacco seedlings or finished tobacco plants; defines permit holder as a person who has obtained a permit from the director of the extension service to label tobacco seedlings or finished tobacco plants distributed in Kentucky; exempts from the requirements of the Act tobacco seedlings or finished tobacco plants distributed by a producer on his own premises to the purchaser himself; requires the initial seed source for all tobacco seedlings or finished tobacco plants distributed in Kentucky to be certified seed; requires each container of tobacco seedlings or finished tobacco plants distributed in Kentucky and not exempted to be labeled or identified by a bill of sale, receipt, or other statement including required labeling information; requires any person whose name appears on the label to obtain a permit from the director and to pay a permit fee of \$50 per registration year plus an inspection fee; requires the inspection fee to be 15 cents per thousand tobacco seedlings, and 25 cents per thousand finished tobacco plants, unless the plants were grown from seedlings for which a prior inspection fee has been paid, in which case requires the inspection fee to be 10 cents per thousand; requires a person distributing tobacco seedlings or finished tobacco plants to register as a dealer unless registered as a permit holder or exempted; requires dealers to pay a \$25 registration fee per calendar year; requires dealers and permit holders to keep complete records; prohibits a person not exempted, from distributing tobacco seedlings or finished tobacco plants which are visibly unhealthy or diseased and from defacing a label; requires the director to promulgate administrative regulations governing registration and reporting, stop sale orders and procedures, and other matters required by the Act; authorizes the director to have access to premises where tobacco seedlings and plants are held, to inspect and take samples, to issue stop sale orders, and to revoke permits and registrations; provides for prosecutions; requires fines for violations; amends KRS 250.040 to delete reference to tobacco seedlings; EMERGENCY.

HB 522

AN ACT relating to the state employment system.

Amends KRS 18A.035 to permit the personnel commissioner to delegate his authority and power under certain conditions; amends KRS 18.150 to place a ceiling of 100 on examination scores; and amends KRS 18A.195 to comply with the provisions of the federal Fair Labor Standards Act (FLSA); permits appointing authorities to substitute compensatory leave for overtime pay if the employee requests it.

HB 526

AN ACT relating to mine electricians and electricity in underground and surface mines.

Amends KRS 351.109 to revise the qualifications for being a certified mining electrician; amends KRS 352.220 to revise the requirements for the use of electricity in underground mines and at surface mines.

HB 527

AN ACT relating to reports of a mine owner, lessee, or superintendent.

Amends KRS 351.170 to require quarterly instead of monthly reports relating to coal and clay mine activities.

HB 528

AN ACT relating to safety rights of miners.

Amends KRS 351.193 to prohibit requiring an underground coal miner to work in a condition which he or she reasonably believes to be unsafe.

HB 529

AN ACT relating to training of surface coal miners.

Requires inexperienced surface coal miners to complete a course of instruction relating to coal mining; defines inexperienced surface coal miner; requires retraining of all surface coal miners; requires the commissioner of the Department of Mines and Minerals to certify completion of the courses of instruction; revises penalties; repeals KRS 351.129.

HB 531

AN ACT relating to state employees.

Amends KRS 18A.095 and 18A.100 to exempt the Transportation Cabinet's commissioned employees from the rights granted by these sections; and creates new sections of KRS Chapter 281 to grant the same rights of state police officers to the Transportation Cabinet's commissioned employees.

HB 533

AN ACT relating to drivers' license.

Amends KRS 159.051, relating to loss of driver's license by students, to permit students to reapply for license after successful completion of required coursework in summer school; provides that passing grades in the equivalent of four (4) courses may be counted toward eligibility for a student's drivers' license; and increases the life of the school written certification of student's enrollment and academic status from 30 to 60 days; amends KRS 186.450 and 156.470 to conform.

HB 534

AN ACT relating to unemployment insurance.

Amends KRS 341.030 (4) concerning exclusions from the definition of wages, by addition of payments under workers' compensation or medical and hospitalization expenses paid at least six calendar months after the employee worked for the employer. The amendment brings the state law into conformity with federal law; amends KRS 341.350, to conform to federal law by requiring unemployment insurance claimants, as a condition of eligibility for benefits, to participate in reemployment services; amends KRS 341.570 (2) to establish authority to prosecute

ACTIONS OF THE 1994 GENERAL ASSEMBLY

fraudulent unemployment insurance cases in the county where the claim was filed; amends KRS 341.710 and 341.712 to conform to federal law regarding extended benefits, by suspending federal work search requirements for weeks of unemployment beginning after March 6, 1993, and ending December 31, 1994; amends KRS 341.990 (5) to add business entities or organizations to the list of persons who can be prosecuted for false representation in regard to a benefit claim.

HB 538

AN ACT relating to telecommunication devices for the deaf, hard of hearing, or speech-impaired.

Amends KRS 278.547, 278.548, and 278.549 to change references to "dual party relay service" to "telecommunications relay service"; creates new sections in KRS Chapter 163, relating to Vocational Education and Rehabilitation, to direct the Commission on the Deaf and Hard of Hearing to establish by July 1, 1995, a program to provide TDDS to the deaf, hard of hearing, and speech-impaired; establishes eligibility requirements; limits distribution to one TDD per eligible person; permits the Commission on the Deaf and Hard of Hearing to prioritize distribution on the basis of need; directs the Commission on the Deaf and Hard of Hearing to enter into memoranda of agreement with the Public Service Commission to implement the program; requires the Commission on the Deaf and Hard of Hearing to report to the General Assembly annually; creates a new section of KRS 278 to direct the Public Service Commission to determine the appropriate funding mechanism for the program to be applied to telecommunication utility subscribers; caps the funding mechanism at \$200,000 annually; directs the cabinet to which the Commission of the Deaf and Hard of Hearing is attached to establish oversight conditions with the Commission on the Deaf and Hard of Hearing, to ensure funds are used solely for purposes consistent with the Act.

HB 539

AN ACT relating to motor vehicle operator's licenses.

Amends KRS 186.440, relating to persons not to be licensed, to raise the fee from \$5 to \$15 for relicensing after driver's license has been revoked due to a conviction for driving under the influence of alcohol or drugs; clarifies that a person is to submit one certified check or money order to the State Treasurer for reinstatement of their driver's license; requires the State Treasurer to deposit \$5 of the fee in an account for a driver education improvement program and \$10 into a trust and agency account to be used by AOC; amends KRS 186.531, relating to fees for licenses and permits, to delete outdated references to a two year driver's license, raises the fee for an instruction permit from \$2 to \$6, raises the fee for a duplicate license from \$2 to \$6, and creates a trust and agency account within the Administrative Office of the Courts where these new fees are required to be deposited and used to assist the circuit clerks in defraying the cost of additional employees and equipment in administering the issuance of driver's licenses; amends KRS 186.410, 186.4101, 186.520, and 186.535 to conform; requires a notice to be posted in every circuit clerk's office that the fee increases in this Act were requested by the Kentucky Circuit Clerks Association.

HB 546

AN ACT relating to certified public accountants.

Creates a new section of KRS Chapter 325 to establish requirements for firms engaging in the practice of public accountancy; requires the firm to submit an application designating the firm manager, each CPA with an ownership interest in the firm, each CPA employee, and location, along with the appropriate fees; provides for biennial renewals, and requires notification upon

ACTIONS OF THE 1994 GENERAL ASSEMBLY

change of information and completion of a quality enhancement review and a quality review program by certain firms; amends various sections of KRS Chapter 325 to include in the definition of "practice of public accountancy" the issuance of reports on financial statements and advisory services and in the definition of "firm," other forms of business organizations not prohibited from operating in the Commonwealth; requires 6 CPA members on the board and 1 citizen-at-large member; establishes licensure requirements for CPA's, to include a provision for 1 year of experience with a CPA firm and a provision for 2 years of experience with a CPA under certain conditions; makes provisions for licensure by reciprocity; establishes additional reasons for board sanctions; allows the board to revoke a license for failure to renew; establishes additional hearing procedures which may be collected with our without the assistance of a hearing officer; establishes requirements for CPA's relating to client records; makes technical corrections; and repeals KRS 325.300, 325.321, and 325.390.

HB 547

AN ACT relating to insurance.

Amends KRS 304.20-040 to require that written confirmation of attendance be given the Commissioner by the person requesting a hearing not more than 4 days before nor less than 24 hours before, a scheduled hearing on cancellation or nonrenewal of automobile insurance.

HB 551

Creates a new section of Subtitle 12 of KRS Chapter 304 to provide that it is an unfair or deceptive trade practice for a group or blanket insurance policy to exclude coverage for a health condition solely because it is work-related, unless the claimant is eligible for benefits under workers' compensation or similar law; defines health benefit plan to not include fixed indemnity policies.

HB 553

AN ACT relating to the ownership and conveyance of property.

Amends KRS 382.335 to prohibit a county clerk from recording an instrument which conveys title to real estate unless the instrument complies with the official indexing system of the county; requires that the county system for indexing real estate instruments have been in place for at least 24 months prior to the effective date, or that it shall be implemented, for the purpose of allowing computerized searching for instruments; requires that if a county clerk mandates that a parcel identification number be placed on an instrument before it is recorded, that clerk shall provide a computer terminal, at no charge to the public, for use in finding the parcel identification number.

HB 555

AN ACT relating to alcohol and other drug abuse.

Creates various new sections of KRS Chapter 222 to set standards for alcohol and other drug abuse programs for the prevention, intervention, and treatment services for juveniles and adults; specifies that persons admitted to an alcohol or other drug abuse treatment program receive treatment until their benefits expire; specifies that requirement for agencies to admit persons required to be treated is subject to the availability of beds and medical necessity; prohibits a hospital from denying treatment instead of discriminating against a person because of alcohol or drug abuse; amends KRS 222.280 to conform, relating to access to certain records kept by the Cabinet for Human Resources; amends KRS 222.460 and 222.465 to require specified chemical dependency treatment services to participate in an evaluation or client outcome effectiveness

ACTIONS OF THE 1994 GENERAL ASSEMBLY

study; amends KRS 222.470 to prohibit chemical dependency treatment programs from receiving federal funds if the programs do not cooperate in a survey of client outcome indicators; amends KRS 210.990 to delete penalty for a DATE center without a permit; amends KRS 222.430 to conform; repeals KRS 210.610, 210.620, 210.630, 210.640, 210.650, 210.660, 210.670, 210.680, 222.011, 222.031, 222.210, 222.220, 222.230, 222.240, 222.250, 222.260, 222.270, 222.290, 222.300, 222.310, 222.410, 222.420, 222.440.

HB 558

AN ACT relating to the extended weight coal and coal-by products and haul road system.

Requires persons providing for the transportation of coal in vehicles exceeding maximum weight limits to enter into cooperative agreements with the Department of Highways, or give bond for damages; agreement may be entered into before any coal is transported on the road in question; provides for terminating cooperative agreements with the Department of Highways.

HB 561

AN ACT relating to the support and development of Kentucky's wood products industry and the financing thereof.

Creates Subchapter 47 of KRS 154 and create new sections thereof establishing the Kentucky Wood Products Competitiveness Corporation as a de jure municipal corporation and political subdivision of the Commonwealth charged with promoting and developing the state's secondary wood industry; provides for appointment of a thirteen (13) member board, consisting of seven (7) private sector members, one (1) member each representing the Kentucky Forest Products Council, the Workforce Development Cabinet, and one (1) representative each from the University of Kentucky, Eastern Kentucky University, the University of Louisville, and Morehead State University; requires the Governor to appoint board members to four-year terms, except for initial staggered terms; provides that board members serve without compensation except for reasonable, necessary, and actual expenses; establishes the powers and duties of the board of the corporation including, developing in conjunction with other agencies, workforce training plans for the secondary wood industry, reviewing and recommending to the Cabinet for Economic Development proposals to establish business networks for firms engaged in value-added processing of raw wood products and cooperate with the Cabinet for Economic Development to promote the development of business networks, advising the Natural Resources and Environmental Protection Cabinet and the Labor Cabinet on regulatory matters which impact the secondary wood industry, advising the Labor Cabinet regarding modifications to the state's workers' compensation laws as they pertain to the secondary wood industry, advising the Finance and Administration Cabinet regarding procurement of Kentucky-made wood products by state agencies, establish benchmarks for the purpose of evaluating state funded workforce training and technology transfer programs in the secondary wood industry, and promulgating administrative regulations in accordance with KRS 13A; permits the board to contract out services under certain conditions; requires the board to submit to the Interim Joint Committee on Economic Development of the Legislative Research Commission an annual status report on its projects and activities; recommends to the General Assembly on or before January 15, 1996, two (2) additional secondary wood products hubs for the state; upon application and approval to the Cabinet for Economic Development, allows three or more secondary wood products businesses to establish a flexible manufacturing network which may be eligible for business incentives and priority consideration for state economic development loans and grants; directs the corporation, in conjunction with the Cabinet for Economic Development, to assist in the development promotion of secondary wood products business networks; directs the corporation to assemble and distribute

ACTIONS OF THE 1994 GENERAL ASSEMBLY

information on various secondary wood products requirements of state capital construction and renovation projects' require that each state agency that shall expend \$50,000 for secondary wood products to be used in state capital construction and renovation projects, as determined by the secretary of the Finance and Administration Cabinet, to contract with the corporation to solicit bids from Kentucky secondary wood products firms, assist in the preparation of bids, assist networks in competing for bids, and assist firms in training workers, developing products, and otherwise as necessary to perform under state contracts; requires the corporation to work with the Department of Parks to develop and design Kentucky-made furniture for use in state parks, make state park facilities living showrooms for Kentucky-made furniture and wood products, and establish retail showrooms where Kentucky-made furniture and wood products shall be displayed for sale to park visitors; requires the University of Kentucky, Eastern Kentucky University, Morehead State University, and the Community College system and the Kentucky Tech system to develop in conjunction with the corporation an integrated curriculum for post secondary workforce training in the area of secondary wood products manufacturing, including degree and non-degree courses of study; requires the corporation to contract with the University of Kentucky College of Agriculture to operate the Quicksand Wood Utilization Center in Breathitt County as a hub for expansion of secondary wood products industry; requires the center to develop workforce training, management skills, technology transfer, and collaborative design and development programs; requires the curriculum, instructional methods, materials and equipment adopted by the center to be approved by the corporation; requires the center to provide training to students who are eighteen (18) years of age or older who are not high school graduates; requires the center to provide technical advice and assistance to secondary wood products businesses and business networks in matters relating to the design, development, manufacture, and marketing of secondary wood products; directs the corporation, in cooperation with the Kentucky Division of Forestry and the Cabinet for Economic Development, to establish objective benchmarks to measure the performance of Kentucky's forest and secondary wood industries; creates the Secondary Wood Products Development Fund, and allow the secretary of the Cabinet for Economic Development to commit the Cabinet to any project or proposal subject to the approval of the board of the corporation; creates a new section of KRS Chapter 42 to transfer five percent (5%) of the money remaining in the local government economic development fund into the secondary wood products development fund; amends KRS 42.4592 to conform; amends KRS 42.455 to add secondary wood industry development to the Local Government Economic Assistance grant expenditure priorities; creates new sections of KRS Chapter 47 to require the Kentucky Division of Forestry to assist private woodland owners in best management practices, and require the board, in cooperation with the Labor Cabinet, representatives from the University of Kentucky, Eastern Kentucky University, and Morehead State University, and the Kentucky Division of Forestry to develop a program in the area of worker safety for the primary and secondary wood industry; creates new sections of KRS Chapter 47 to establish the Kentucky Forest Products Council; directs the Cabinet for Economic Development and the Natural Resources and Environmental Protection Cabinet to provide staff services to the council; directs council to cooperate with the Cabinet for Economic Development and wood products industries applying for economic revitalization of development project inducements; and directs the corporation to make application for grants from appropriate boards, agencies and endowment sources, including, but not limited to, the E. O. Robinson Trust Endowment Fund.

HB 562

AN ACT relating to insurance.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Allows an insurer of a property or casualty policy, that has mailed or delivered to the named insured, at his last known address, a notice of the renewal amount and the amount is not paid on or before the due date, to reinstate the expired policy upon the written request of the insured if the insured has not purchased replacement coverage and the request is made within 30 days of the expiration date; prohibits insurer from increasing coverage or premium as a condition of reinstatements; amends KRS 304.14-040 to provide that any publicly owned domestic or foreign corporation that provides its active or retired employees with benefits under a benefit plan governed by the Federal Employee Retirement Income Security Act has an insurable interest in the employee; amends KRS 304.14-080 to permit corporations that have an insurable interest in their active or retired employees to effectuate a life or health insurance contract on the employee; provides that any trustee has the same insurable interest in the employee as the corporation.

HB 565

AN ACT relating to the defense of employees by local governments.

Amends KRS 65.2005 to provide that a local government shall choose the attorney when it defends an employee in an action in tort, absolves the local government from paying a judgment if the employee obtains private counsel without the consent of the local government.

HB 567

AN ACT relating to water utilities.

Amends KRS 278.023, which prohibits the Public Service Commission from disapproving construction projects of water districts or associations which are financed in whole or part by specified federal agencies, by substituting the U.S. Department of Agriculture for the Farmers Home Administration as a specified agency.

HB 568

AN ACT relating to Court of Justice and declaring an emergency.

Amends KRS 26A.090 to require that the Court of Justice increase, under certain circumstances, the "use allowance" that the Court of Justice pays to a unit of government when the Court of Justice occupies a building which that unit of government owns; provides that "use allowance" paid to a unit of government is due not less than 10 days prior to the due date for bonds, notes, or other debt obligations which the unit of government has used to finance space used by Court of Justice.

HB 569

AN ACT relating to small and farm wineries.

Amends KRS 243.155 and 156 to permit persons who purchase wine by the package at a small winery or farm winery to consume it on the premises, if the winery is located in wet territory; amends KRS 243.156 to permit a farm winery to sell under certain circumstances, wine it produces directly to retail package and retail drink license holders; amends KRS 243.882 and 243.884 to exempt wine produced by small and farm wineries from Kentucky products, from the 9% wholesale tax; exempts for 5 years, wine produced by a small winery from out-of-state products, from the 9% wholesale tax.

HB 570

AN ACT relating to children committed to the Cabinet for Human Resources.

Amends KRS 605.090 to require, rather than permit, a family service worker for the Cabinet for Human Resources to immediately remove a committed child from home if the worker,

ACTIONS OF THE 1994 GENERAL ASSEMBLY

after receiving the assistance of a law enforcement officer, has reasonable grounds to believe that the child is in danger of imminent death or serious physical injury or is being sexually abused; amends KRS 635.060 to provide an exception to the limitation on the District Court jurisdiction over actions of the cabinet in the placement, care, or treatment of a committed child; and amends KRS 610.120 to make technical amendments and to require the cabinet to remove a child from detention within seven (7) days of the time of commitment.

HB 571

AN ACT relating to county officials.

Amends KRS 61.220 to delete the prohibition against a member of a fiscal court becoming interested in a claim against the state.

HB 573

AN ACT relating to the Department of Information Systems.

Amends KRS 45.253, relating to trust and agency accounts, to permit the Department of Information Systems to charge nongovernmental entities for online access; specifies that charges shall not exceed the cost to provide services; directs that receipts be credited to that department's trust and agency fund.

HB 576

AN ACT relating to marriages.

Amends KRS 402.060 to clarify that the requirement for ministers or priests to be licensed in order to perform marriages does not apply to religious societies which have no ministers; Amends KRS 402.100 to make it clear that the clerk of a religious society which has no ministers does not have to be present at a wedding so long as witnesses for the religious society are present; Amends KRS 402.220 and 402.230 to conform.

HB 579

AN ACT relating to the Kentucky Industries for the Blind.

Creates new sections of KRS Chapter 163 to provide for transition of the functions and assets of the Division of the Kentucky Industries for the Blind to a nonprofit corporation, effective July 1, 2000; directs the Department for the Blind to ensure, by contract, employment of employees of the Kentucky Industries for the Blind when a nonprofit corporation takes over the operation; ensures also maximization of state retirement benefits; authorizes the Department for the Blind to convey, by contract, ownership of the Kentucky Industries for the Blind workshop to a nonprofit corporation with the proviso that the property revert back to state if the nonprofit corporation ceases operation; amends KRS 163.470 to abolish the Division of the Kentucky Industries for the Blind, effective July 1, 2000; authorizes the Department for the Blind to contract with nonprofit corporations with expertise in operation of workshops and rehabilitation for the blind; requires the Department for the Blind to contract with a nonprofit corporation effective July 1, 2000, to provide service now provided by the Division of the Kentucky Industries for the Blind; amends KRS 45 A.470 to continue existing preference by state and local governments after June 30, 2000, for products produced through the authority of the Department for the Blind.

HB 580

AN ACT relating to fireworks.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Creates a new section of KRS Chapter 227.700 to 227.750 to provide requirements which shall be met by those selling common fireworks including: annual registration with state fire marshal's office, fire extinguisher on site, prohibits sale of flying fireworks devices and those carrying a cautionary label with certain designated terms, and prohibits sale of fireworks to persons under 16 years old; provides for a registration fee of no more than \$5 for each site at which fireworks shall be sold; exempts from registration permanent business establishments for which the sale of fireworks is ancillary to the business; authorizes fire marshal to revoke registration or take emergency action if location is in violation; amends KRS 227.710 to allow sale of fireworks to a person holding a display permit; repeals KRS 227.740.

HB 591

AN ACT relating to permitting and reclamation of oil and gas facility sites.

Amends and creates various sections of KRS Chapter 353 relating to oil and gas to increase permit fees from \$100 to \$300 for each well; in cases where there has been severance of the ownership of the oil and gas from the ownership of the surface to be disturbed, requires a well operator to submit to the Department of Mines and Minerals an operations and reclamation proposal at the time of filing an application for permit to drill a well; requires the proposal to include an erosion prevention proposal, a description and location of the site, a signed agreement by the surface owners of all disturbed areas to the operations and reclamation proposal, and any additional information the department may require; if the oil and gas is severed, and not all of the surface owners have agreed to the operations and reclamation proposal, then requires the well operator to send the surface owners a copy of the operations and reclamation proposal and a notice that states that if they do not agree with the proposal, the well operator may request mediation of the dispute by the General Counsel's Office of the Department of Mines and Minerals; requires each party to pay \$100 to help cover the cost of mediation; if the well operator has been unable to reach agreement with the surface owners, prohibits the permit from being issued until the dispute has been referred to mediation by the General Counsel's Office, and mediation has been concluded either by agreement between the parties or by a report of the mediator; if an agreement is not forthcoming after mediation, requires the mediator, within five days after mediation to issue a report recommending that the director accept the proposal as submitted by the well operator or accept the proposal with modifications set forth by the mediator; if an agreement is not reached after mediation, requires the mediator to consider the following factors as to the reasonable use of the surface by the well operator, which recommendations shall become permit conditions: the location of roads, lines, and tanks, the timing of the operation, the impact on other uses of the land, and effective reclamation; requires the well operator to replace the water supply where it has been disrupted by the operator's oil or gas operation; requires the well operator to display danger signs on all facilities used for storage of oil.

HB 613

AN ACT relating to utility and underground facility damage prevention.

Creates new sections of KRS Chapter 367 to state need for underground damage prevention and define terms; requires operators of underground facilities such as utility lines to provide protection notification center access to excavators, either by themselves or through membership in a one-call center, and to mark the approximate location of his underground facilities when notified of planned excavation or demolition work; requires excavators to notify each applicable operator, or the protection notification centers, of intended work between 2 and 10 days before the work will begin, to protect temporary markers and provide all site employees

ACTIONS OF THE 1994 GENERAL ASSEMBLY

the facility location and safety information provided by operators; requires protection notification centers to maintain accurate information about their members, and to communicate information from an excavator to each affected member immediately upon receipt; requires each protection notification center to file the information about its members to the county clerk, and make it publicly available; requires the county clerk to provide member lists from all protection notification centers serving the county upon request, and authorizes the county clerk to charge the cost of making copies; exempts from the requirements of this act emergency work, work under joint agreements between excavators and operators, excavations by operators on own easements, routine road maintenance and agricultural tilling, non-mechanized excavation, non-commercial work on residential property, cemeteries, coal mining operations, and solid waste disposal sites; sets penalties of \$250 for the first violation, \$500 for the second, and \$1000 for each further violation, to be recovered by an action by the Attorney General; effective January 1, 1995.

HB 616

AN ACT relating to school district audits.

Amends KRS 156.265 to establish in Department of Education, the Office for School District Audits replacing the Committee for School District Audits; establishes an advisory committee for school district audits to review reports and make recommendations on office progress; designates Auditor as chair and Attorney General, executive directors of Education Accountability, State Board of Accounting, and Society of Certified Public Accountants, and the Secretary of Finance, as members; requires State Board of Elementary and Secondary Education to promulgate administrative regulations on extensions and maximum number of consecutive years of auditing firm's service to a school district; amends KRS 7.410 and 156.255 to conform.

HB 618

AN ACT relating to mining.

Creates new sections of KRS Chapters 351 and 352 to place a two-year moratorium on the levying of mandatory fines or penalties against the operator or miner of an underground coal mine for violating the mining laws; prohibits the moratorium from applying to penalties for violating the blasting laws; EMERGENCY.

HB 622

AN ACT relating to license fees.

Creates a new section of KRS Chapter 68 to enable counties containing a city of the first, second, or third class, or an urban-county, to levy license fees on firms which rent motor vehicles, limits the fee to 3% of the gross proceeds from rental agreements, provides that the license fee, if adopted, shall apply to retailers who receive more than 75 percent of their gross revenues from motor vehicle rentals, provides that the license fee may be levied on the amount of the gross rental charge paid by a customer; permits the sharing of license fees among counties, require use of the fees for economic development, through river port authorities, industrial development authorities, or nonprofit corporations engaged in industrial development; creates a new section of KRS Chapter 68 to allow a county containing a city of the second class to levy a license fee not to exceed 2 percent on the gross receipts of all cable television systems within the county, including systems franchised by cities within the county; requires that proceeds from the license fee on cable television systems be used pursuant to an arrangement with the Kentucky Authority for Educational Television, as specifically authorized by the General Assembly; provides that neither a county which adopts the license fee, nor any cities within the county, shall levy a franchise fee exceeding 3 percent of the gross receipts of its franchised cable television system.

HB 628

AN ACT relating to senior citizens.

Creates new sections of KRS Chapter 17 to define terms including "crime", "direct service", and "senior citizen"; prohibits any agency providing services to senior citizens funded by the Department for Social Services from employing any person in direct services to senior citizens when the person has been convicted of a felony; specifies that felony offenses must relate to theft, illegal drugs, abuse, neglect, or exploitation of an adult, or sex crimes; requires sign posting; requires the Justice Cabinet to approve the form requesting the criminal record check; allows the Justice Cabinet to charge a fee of the applicant for processing the criminal record check; establishes maximum fee for criminal record check of a potential employee as five dollars (\$5) per application; creates a new section of KRS Chapter 216 to prohibit nursing facilities from knowingly employing a person in a position providing direct services to residents if that person has been convicted of a felony offense related to theft, the abuse or sale of illegal drugs, the abuse, neglect, or exploitation of an adult, or a sexual crime; permits a nursing facility to hire a person convicted of a misdemeanor if the crime is not related to abuse, neglect, or exploitation of an adult; permits the facility to temporarily employ an applicant pending the receipt of the conviction information requested from the Justice Cabinet; creates a new section of KRS Chapter 209 to create within the Department for Social Services in the Cabinet for Human Resources the Kentucky Senior Games Program.

HB 629

AN ACT relating to water districts.

Amends KRS 74.020 and 74.363 to provide for the composition of a water district board when water districts merge pursuant to KRS 74.363.

HB 631

AN ACT relating to the creation of a merit system of personnel administration for local health departments.

Creates new sections of KRS Chapter 211 to define terms; creates the five-member Local Health Department Employment Council, and provides qualifications for members; requires Council to advise Cabinet for Human Resources as to administration of local health department personnel programs based on merit and to hear appeals regarding personnel issues; requires Cabinet to administer a personnel program, and to establish policies by promulgating regulations covering designated subjects.

HB 632

AN ACT relating to the school breakfast program.

Creates a new section of KRS 157 to require all schools that do not offer a school breakfast program to submit an annual report no later than September 15 to the State Board for Elementary and Secondary Education indicating the reasons for not offering the program; includes the number of children enrolled and number eligible for free or reduced priced meals under the federal program; requires the state board to inform the school of the value of the program; requires the state Commissioner of Education to submit an annual report no later than December 1 to the Interim Joint Committees on Education and Health and Welfare regarding the status of the program; and includes description of schools that do not offer the program, the reasons given, the number of children enrolled, the number eligible for free or reduced priced meals under the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

federal program, and the action taken by the state board to encourage the schools to offer the program.

HB 633

AN ACT relating to Section 401 water quality certifications.

Allows the Natural Resources and Environmental Protection Cabinet to issue, waive, or deny a water quality certification to a surface coal mining operation if the operation will not impact state or national resource waters and will not impact wetlands one acre or more in size; sets forth conditions in the water quality certification which must be met by the surface coal mining operation if the watershed above the toe of the farthest downstream permanent structure authorized by Nationwide Permit 21 or 26 is less than or greater than 480 acres; requires the cabinet to confer with representatives of the coal industry and environmental organizations in developing a manual of options for mitigation; allows the cabinet 40 working days to review an administratively complete application for a water quality certification.

HB 639

AN ACT relating to motor vehicle insurance.

Amends KRS 186.190, relating to the transfer of ownership of a motor vehicle, to require a person purchasing a vehicle (except for first time registrations) to present proof of insurance to the county clerk before the vehicle may be registered; amends KRS 186.232 to conform.

HB 643

AN ACT relating to medical child support enforcement.

Creates various new sections of KRS 205.510 to 205.630 to prohibit health insurers from taking into account that an individual is eligible for or provided medicaid, when enrolling the individual or making any payments for benefits to the individual or on the individual's behalf; sets forth conditions under which denial of health coverage is prohibited for health insurers; requires CHR to withhold wages, salary, or other employment income of, and requires withholding amounts from state tax refunds from, persons failing to meet specified child support obligations.

HB 645

AN ACT relating to a penalty for violating the wild American ginseng program.

Amends KRS 246.990 to impose a penalty for violating the state program for wild American ginseng.

HB 646

AN ACT relating to emergency medical services.

Amends KRS 211.950, 211.952, and 211.954, relating to regional emergency medical services, to create a single lead agency within the Cabinet for Human Resources to handle emergency medical services, ambulance service, emergency medical technicians, paramedics, trauma centers, and other medical facilities; amends KRS 211.964, relating to paramedics, to require State Board of Medical Licensure to contract with the Cabinet for Human Resources for day-to-day operation of the paramedic program; amends KRS 311.654 to conform; requires the Kentucky Emergency Medical Services Council to consult with the Kentucky Board of Nursing to establish appropriate standards and protocols to meet the requirements of KRS 314.131 for nurses practicing in emergency medical service settings; provides that the emergency medical services and trauma care system planning, development, and expansion and not limit, preclude, or

ACTIONS OF THE 1994 GENERAL ASSEMBLY

otherwise restrict the practices of licensed personnel in carrying out duties under state licensure terms.

HB 647

AN ACT relating to county clerk fees.

Amends various sections of KRS Chapters 64, 186, and 186A to establish or increase the recording fees of county clerks; requires the county clerk to post a permanent notice that fee increases were at the request of the Kentucky County Clerks' Association.

HB 648

AN ACT relating to highways.

Creates a new section of KRS Chapter 45 to define the term "project" to mean the design, right-of-way, utility, or construction phase of a highway construction project; amends KRS 45.245 to require the Transportation Cabinet to provide the General Assembly with a separate and specific list of projects that may be accelerated if biennial projects are delayed; prohibits expenditures on highway projects from exceeding the appropriation to the project by more than 15%; provides that accelerated projects shall not exceed 20% of the total amount appropriated for highway construction projects; amends KRS 45.247 to require the cabinet to submit detailed information to the Interim Joint Committee on Transportation relating to contracts on highway projects; requires the cabinet to also submit any contract change order that exceeds \$100; amends KRS 45.248 to establish procedures for legislative review of project cost overruns if the General Assembly is in session; amends KRS 176.420 to delete some requirements the cabinet must comply with relating to the four-year construction plan; amends KRS 176.460 to require that if a project has not begun in the biennium in which it was authorized, the money allotted to the project would transfer to the road fund surplus account unless the project is expressly reauthorized; creates a new section of KRS Chapter 176 to require the Cabinet to submit an annual report on the status of highway projects to the Interim Joint Committee on Transportation; amends KRS 176.430 to conform.

HB 649

AN ACT relating to electricians and electrical contractors.

Amends KRS 227.470 relating to cooperative agreements between local governments for the local examination of electricians and electrical contractors, to require cities located within counties which have formed such agreements to be a party to the agreements unless they opt out by ordinance within 60 days of the adoption of the agreements; amends KRS 227.490 to delete the exemption from local examination those electrical contractors and electricians with 5 years experience and in lieu thereof exempt those who hold a current Kentucky license; establishes three year terms for examining board members and prohibits more than 2 consecutive terms, and requires that examining boards consist of a minimum of 7 members but requires membership to increase by two members for each additional county which enters into a cooperative agreement.

HB 650

AN ACT relating to chemical munitions facilities.

Requires a chemical munitions disposal facility to obtain the approval of the local government and to meet the same requirements for disposing of other waste as the facility met to dispose of chemical munitions before it may dispose of other waste.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HB 651

AN ACT relating to the closing of public ways.

Amends KRS 82.405 to provide an alternate procedure for closing a public way located within a city; provides that if all property owners abutting all or any portion of a public way are identified, notified, and give notarized consent to the closing, the city legislative body may enact an ordinance declaring all or any portion of the public way closed.

HB 652

AN ACT relating to rabies immunizations.

Amends KRS 258.043 to increase to \$5 the maximum dog rabies immunization fee to be charged at clinics by veterinarians.

HB 653

AN ACT relating to the practice of nursing.

Amends KRS 314.011, to delete the term "limited license"; amends KRS 314.021 to require nurses to practice nursing with reasonable skill and safety; amends KRS 314.025, to add registered nurses pursuing graduate nursing education to the group to whom nursing scholarships are to be given preference; amends KRS 314.031 to add to the unfit practice situations under which a nurse or nurse supervisor should report to the Board of Nursing; amends KRS 314.041 to delete the requirement that an applicant for a registered nurse license submit evidence that the applicant is in good physical or mental health; changes examination requirement; amends KRS 314.042 to delete the requirement that an applicant for ARNP registration submit evidence that the applicant is in good physical or mental health; allows the board to authorize a person to practice as an ARNP temporarily; requires a person awaiting the results of the national certifying examination for ARNP practice to use the title "ARNP applicant" or "ARNP App."; allows applicants for licensure by examination to have a temporary work permit not to exceed six months from the first day of the month following completion of the program of nursing requirements.

HB 656

AN ACT relating to detention facilities for juveniles.

Creates a new section of KRS Chapter 610 to permit counties who have secure detention facilities to operate a nonsecure youth alternative center for detention of children in pre and post adjudication phases of juvenile proceedings upon order of the judge; requires facility to be under the jurisdiction of the county jailer but may be operated by others; requires Department of Corrections to issue administrative regulations to cover operation of the center; amends KRS 600.020, definitions for the juvenile code to conform.

HB 660

AN ACT relating to the enforcement of wages and hours violations.

Creates a new section of KRS Chapter 337 to attach a lien to property of employers who violate wages and hours provisions; provides for recording of the lien.

HB 661

AN ACT relating to the enforcement of occupational safety and health violations.

Creates a new section of KRS Chapter 338 to attach a lien to property of employers who violate occupational safety and health provisions; provides for recording of the lien.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HB 664

AN ACT relating to environmental protection.

Requires the Natural Resources and Environmental Protection Cabinet to consider hazardous waste unit closure plans consistent with KRS 224.01-400(18) to (21); requires characterization of the extent of releases of petroleum from a source other than a petroleum storage tank and requires the cabinet to establish procedures for these releases.

HB 681

AN ACT relating to environmental audits.

Creates a new section of KRS Chapter 224 to encourage owners of facilities to conduct voluntary internal environmental audits of their environmental compliance programs; limits admissibility of environmental audit reports in civil, criminal, or administrative proceedings; requires certain information to be included in an audit report prepared by an auditor; requires that seeking to introduce part of a report shall constitute a waiver of the privilege; declares that a report found non-privileged in a civil proceeding shall not be privileged in a criminal proceeding.

HB 683

AN ACT relating to oil and gas production reporting and making an appropriation therefor.

Amends KRS 131.190 to allow oil and gas production statistics contained in tax filings to be made public; creates a new section of KRS Chapter 353, relating to mineral conservation and development, to require the Revenue Cabinet to submit annually oil and natural gas production data to the Department of Mines and Minerals; requires the department to organize the information into a standard format and make it available to the public for sale; permits the Kentucky Geological Survey access to the data prior to public release; requires the Department for Mines and Minerals to receive and process for public consumption oil and gas production data for years prior to 1995.

HB 684

AN ACT relating to definitions of oil and gas.

Amends KRS 353.010 to define "unit", "barrel of oil", "cubic feet of gas", "gas well", and "oil well"; adds a new section of KRS Chapter 353.500 to 353.720 to govern applications to operate a pool or pools of oil and associated as a unit in order to increase the ultimate recovery from the pool or pools; sets out information required in an application for a unit; requires notice and a hearing; establishes conditions for approving the unit; directs that a unitization order by the Department of Mines and Minerals designate the operator, establish spacing, and provide for the proportionate allocation of costs and expenses, among other things; allows a unit to be proposed by the owners of at least 51% of the interests proposed for inclusion, and directs that the unitization order provide alternatives for an owner who does not elect to participate to sell his interest to participating owners.

HB 685

AN ACT relating to retirement and declaring an emergency.

Amends KRS 161.220 to include employees of the Governors Scholars Program in the Teachers' Retirement System, permits accrued annual leave to be a part of final average salary; amends KRS 161.310 to require rules and regulations of school districts and other employers to conform to KRS Chapter 161; amends KRS 161.340 to require the employment of the executive director by means of a contract not to exceed 4 years; amends KRS 161.420 to permit use of the

ACTIONS OF THE 1994 GENERAL ASSEMBLY

guarantee fund to finance investment operating expenses; amends KRS 161.430 to conform; amends KRS 161.480 to delete subsections (2) and (3) relating to the effects of divorce or death on beneficiary designations; amends KRS 161.545 to permit a member to purchase credit for part-time service performed prior to becoming a member if the service was at least half time and occurred within two years of becoming a member; creates a new section of KRS Chapter 161 to provide that the employer contributions for employees of education cooperatives will be processed in the same manner as for teachers in local school districts; amends KRS 161.515 to permit active members, as opposed to active contributing members, to purchase out-of-state service credit, and to permit members contributing to a state administered retirement system to purchase out-of-state service credit; amends KRS 161.520 to delete obsolete language; amends KRS 161.522 to condition the survivor benefit to 27 years of service preceding death rather than disability; amends KRS 161.525 to provide 15 and 20 year certain survivor options; amends KRS 161.530 to provide that when a member whose account was forfeited returns to teaching, his member account is restored without interest; amends KRS 161.540 to conform to amendment of KRS 161.220; amends KRS 161.545 to permit contributions to the system for leaves of absence which did not previously qualify; amends KRS 161.550 to delete references to KRS 161.555 which is being repealed; amends KRS 161.553 to provide a funding schedule for cost of living increases; amends KRS 161.600 to conform to the amendment of KRS 161.220; creates a new section of KRS Chapter 161 to require school districts to keep records on the employment of annuitants and to impose a fine for noncompliance; amends KRS 161.620 to increase the minimum allowance to \$260 times the years of service credit, provides cost of living increments of 1.5% for each year of the biennium, applies dependent child benefits to adopted children; amends KRS 161.624 to make members responsible for adhering to employment restrictions on retired members; amends KRS 161.630 to provide that except as otherwise provided in the section, a beneficiary designation shall not be changed after the effective date of retirement except under the straight life with refundable balance or the predetermined years certain and life thereafter option; amends KRS 161.661 to require a person receiving benefits who becomes disqualified to notify the system and return any benefits to which the person is not entitled, provides for a lien on all property if the repayment is not made; amends KRS 161.675 to provide for dependent health coverage on a cost basis; repeals KRS 161.555; EMERGENCY.

HB 704

AN ACT relating to the donation of blood.

Amends various provisions of KRS 214.452 to 214.468, relating to blood donation, to create the terms "transfuse" and "untested blood"; redefines the term "communicable disease" to mean any disease defined and set forth in administrative regulation of the U.S. Food and Drug Administration, instead of as defined in administrative regulation of the Cabinet for Human Resources; redefines the term "transfuse" to include transferring blood from one person to another, instead of transferring blood into a living human being from another; requires the Office of the Inspector General, instead of the Cabinet for Human Resources, to conduct inspections of blood establishments; requires testing of blood for any blood borne communicable disease to use tests approved and required, for the purpose of blood donation, by the U.S. Food and Drug Administration.

HB 705

AN ACT authorizing the payment of certain claims against the state which have been duly audited and approved according to law, and have not been paid because of the lapsing or

ACTIONS OF THE 1994 GENERAL ASSEMBLY

insufficiency of former appropriations against which claims were chargeable and declaring an emergency.

HB 707

AN ACT relating to the permitting of surface coal mining operations.

Amends KRS 350.070, relating to surface coal mining, to allow an extension of the underground mining area through a major revision to the permit if the extension does not include planned subsidence or new surface disturbance.

HB 710

AN ACT relating to telephone solicitations.

Creates new sections of KRS Chapter 367 relating to telephone solicitations; exempts telephone calls made in response to an express request of the person called or made primarily in the connection of an existing debt or contract that has not yet been completed; exempts professionals properly regulated under other KRS Chapters; exempts: a person soliciting the sale of a subscription to a newspaper, magazine, and periodical of general circulation, a merchant regulated by the Public Service Commission, a person soliciting the sale of food costing less than \$100, specified catalog solicitations, corporations or businesses regulated by the Department of Financial Institutions, certain nonprofit organizations, merchants regulated by the FCC, certain book, video, or record clubs and telephone marketing services; specifies that, where a merchant is exempted from the provisions of the bill, the exemption also extends to the merchant's affiliate or authorized agent, if acting on the merchant's behalf; sets out a procedure requiring a merchant caller to disclose information to the person called and requires the caller to inquire within the first 30 seconds of the call if the person called wants to continue listening to the sales presentation; permits the person called to void a contract made as a result of a telephone solicitation that violates this Act; permits the consumer to cancel a contract resulting from a telephone solicitation by returning goods to the merchant within 14 days of receiving goods or canceling services or receiving copies of one's cancellation rights; sets out the content of the cancellation rights notice; prohibits a caller from requesting or accepting payment from the consumer until the merchant receives a copy of the contract or the cancellation period has expired; sets out a registration procedure and specifies the information the merchant shall supply; requires merchants to disclose the value of the prizes, the number of people winning the prizes with the highest and lowest value and the actual experience of consumers or investors; requires merchants to post a \$50,000 bond; requires bond to remain in effect until the merchant files with the Attorney General proof that the premium was awarded; permits the Attorney General to promulgate regulations as necessary; establishes penalties.

HB 712

AN ACT relating to disaster and emergency services.

Amends KRS 39.425 to permit engagement of state employees in disaster and emergency response activities; directs the Division of Disaster and Emergency Services to make recommendations regarding essential need for individuals, rather than make the determination; deletes provisions allowing the employee's supervisor to retain authority to permit absence; deletes requirement for certain state employees to be placed on an appropriate leave status to prevent receiving dual compensation; and provides that employees who participate are assigned by executive order of the Governor, not by volunteering.

HB 713

AN ACT relating to the regulation of sports agents.

Amends KRS 518.010 to define "agent contract," "contractual relationship," "eligibility," "institution," "professional sports services contract," "public performance," and "sports agent" and redefine "student athlete"; amends KRS 518.080 to prohibit a sports agent from publishing any unfair, false, misleading, or deceptive advertisements, representations, or information concerning sports agency contracts; prohibits these individuals from providing false, misleading, or deceptive promises, representations, or information to student athletes; prohibits the offering of anything of value to schools in return for referrals, and to student athletes as inducements to enter into contracts; prohibits conflict of interest by sports agents; prohibits a sports agent from offering investment advice without disclosure of the sports agents' financial interest; and designates unlawful sports agency practices as a Class D felony.

HB 715

AN ACT relating to the Kentucky lottery.

Amends KRS 154A.010 to define "major lottery-specific procurement," define "related entity" to expand certain ethical prohibitions, redefine "security" to clarify open records and meetings provisions, and redefine "vendor" as any person who has entered into a lottery-specific contract; amends KRS 154A.030 to create ethical standards for the board of directors, and permit closed lottery board meetings under certain conditions; amends KRS 154A.040(1) to conform open records provisions with open meetings provisions; amends KRS 154A.070 to delete statutory bond amount for lottery retailers; amends KRS 154A.080 to clarify definition of financial interest, add "related entity" concept to post-lottery employment, and permit the lottery to terminate employees convicted of certain crimes, and to terminate prior to conviction; amends KRS 154A.110 to reduce the prize claim deadline from 365 to 180 days, and to prohibit ticket sales to vendors or related entities; amends KRS 154A.120 to establish lottery procurement requirements, utilizing KRS Chapter 45A or administrative regulations; amends KRS 154A.130(1) to require lottery revenues to be deposited with the state monthly, rather than quarterly; amends KRS 154A.160 to delete prohibition of all vendor campaign contributions, but to extend the prohibition to illegal contributions; amends KRS 154A.410 to delete statutory letter of credit or bond requirements for lottery retailers; amends KRS 154A.420(1) to delete the requirement that lottery retailers deposit ticket sales in a separate bank account; creates a new subsection of KRS 154A.420 to create lien provisions against lottery retailers based on tax lien statutes; amends KRS 154A.990 to expand definition of "person," provides for criminal penalties for false information given in security investigations.

HB 719

AN ACT relating to wages and hours.

Amends KRS 337.540 to permit ten hours of work per day, rather than eight, to constitute a legal day's work. A legal work week remains unchanged, at forty (40) hours.

HB 721

AN ACT relating to insurance.

Amends KRS 304.14-500 to exclude from the definition of "medicare supplement policy" any policies issued under Section 1876 or Section 1833 of the Social Security Act or policies issued under a demonstration project authorized by the Social Security Act; amends KRS 304.14-510 by deleting the words "by reason of age"; amends KRS 304.14-550 to require all medicare supplement policies to give applicants thirty (30) days to return the policy for a premium refund.

HB 733

AN ACT relating to agricultural seed and declaring an emergency.

Creates new sections of KRS 250 to define terms; exempts from the provisions of the Act seed not distributed for planting, certain seed consigned to a conditioning establishment, seed in transport, or seed grown, sold, and delivered on the farm and not advertised; requires every lot of agricultural seed and each container of vegetable or flower seed distributed in Kentucky for planting purposes to bear a label; requires the label to be delivered to the purchaser; requires seed remaining in inventory after the germination test has expired to be removed from sale or relabeled; requires soybean seed, except black soybean seed, to be labeled for variety; requires all tobacco or Canola seed to be certified; outlines requirements for seed labels to include name and address of the person who labeled the seed, the name of the kind or variety of the seed, lot number, weed seed and inert matter present, percentage of germination and hard seed, and date of testing; requires each regulated person who labels seed to obtain a labeling permit and pay a quarterly inspection fee; requires each person who labels vegetable, flower, or combination products to obtain a labeling permit; assesses a \$25 per year permit fee; requires a dealer who distributes agricultural seed in containers of forty pounds or more at retail in Kentucky, and each person, other than a certified seed conditioner, who conditions agricultural seed for distribution in Kentucky to pay a yearly \$25 registration fee; requires permit holders and those who register to keep records; prohibits distribution of seed which is not labeled or which is mislabeled; prohibits defacing labels and false advertising; prohibits distribution of seed subject to the Act without germination tests or failing to meet certain standards; prohibits distribution by variety name, agricultural seed not certified by an official agency if it is a variety for which a certificate of plant variety protection specifies distribution only as a class of certified seed; prohibits mixture of seed with fertilizer for distribution unless the seed have been tested and labeled; prohibits conditioning seed belonging to one person being transferred to another person unless the seed have been tested and labeled; assigns the duty of carrying out the provisions of the Act to the director of the extension service and requires the director to be responsible for the seed certifying process in Kentucky; designates the Kentucky Seed Improvement Association as the certifying agency in Kentucky; requires the affairs of the association to be managed by a board; requires the director to promulgate administrative regulations governing the certification process, seed sampling procedures and standards, procedures for labels, permits, and fees; allows the director to inspect facilities and to issue stop sale orders to prohibit distribution of seed; allows the director to withhold certification and to seize improperly labeled seed; provides for hearings on apparent violations and for prosecution by the Attorney General or the attorney representing the Commonwealth in the county where the violation occurred; requires a fine of \$500 to \$750 for each violation; amends various sections of the statutes to comply; repeals existing KRS 250.020, 250.024, 250.025, 250.030, 250.040, 250.042, 250.070, 250.080, 250.090, 250.100, 250.110, 250.120, 250.130, 250.140, 250.150, 250.160, 250.170, 250.180, 250.190, 250.200, 250.210, 250.220, 250.225, and 250.230; EMERGENCY.

HB 737

AN ACT relating to the Legislative Compensation Commission.

Amends KRS 6.226 to change the Governor's appointments from three persons to two and to add one appointment by the Legislative Research Commission; amends KRS 6.227 to require appointments to be made no later than July 15 of even-numbered years; amends KRS 6.228 to require the commission report to be filed with the Legislative Research Commission and add legislator housing policy to the matters the commission will study; amends KRS 6.229 to

ACTIONS OF THE 1994 GENERAL ASSEMBLY

require the commission report to be approved prior to its recommendations being included in the legislative branch budget.

HB 738

AN ACT relating to pensions.

Creates a new section of KRS Chapter 67A to permit an urban-county government to put its new police and firefighters in the County Employees Retirement System under hazardous duty coverage, requires the transfer of existing service credit in the local plan, permits current police or firefighters to transfer or to stay in the local plan, allows the urban-county government to rescind its order if not enough current employees transfer to make the transfer economically feasible, permits the urban-county government to transfer funds to CERS which are not needed to fund benefits for current members, retirees and their survivors in the local plan, allows the urban-county government up to 30 years to pay the cost of transfer to the CERS; amends KRS 78.531 to provide that any member of the policemen's and firefighter's retirement fund of an urban-county government may elect to terminate coverage under that retirement system, if the urban-county government has adopted the provisions of the County Employees Retirement System.

HB 741

AN ACT relating to tourist and convention commissions in counties containing a city of the first class.

Amends KRS 91A.390 to permit a tourist and convention commission in a county containing a city of the first class to issue revenue bonds in its own name pursuant to the provisions of KRS Chapter 58 as prescribed; creates a new section of KRS Chapter 91A to permit a fiscal court in these counties to issue an additional transient room tax not to exceed 4% for the retirement of bonds issued to expand government-owned convention facilities located in the central business district of cities of the first class in these counties and requires the repeal of the tax upon retirement of the bonds.

HB 742

AN ACT relating to state purchasing.

Amends KRS 45A.100 to remove the upper limits for delegation of small purchasing authority to state agencies qualifying for the delegation; directs that delegations of small purchasing authority be granted or revoked by the secretary of Finance and Administration Cabinet according to criteria established by administrative regulation; specifies minimum criteria.

HB 744

AN ACT relating to insurance covering state vehicles.

Amends KRS 44.055 to authorize any state agency to purchase insurance of all kinds covering boats owned by the state and operated by state employees when in the conduct of official business.

HB 760

AN ACT relating to the Kentucky Infrastructure Authority.

Amends various sections of KRS Chapter 224A to make technical corrections; amends KRS 224A.030 to allow the vice chairman of the Kentucky Economic Development Partnership to select a designee to the Authority; creates a new section of KRS Chapter 224A to include the federally-assisted water supply revolving fund to the responsibilities of the Authority under an agreement with the Natural Resources Cabinet; amends KRS 224A.180 to expressly authorize

ACTIONS OF THE 1994 GENERAL ASSEMBLY

and empower the authority as it relates to compelling government agencies to perform terms of assistance agreements.

HB 762

AN ACT relating to employment.

Creates a new section of KRS Chapter 336 to prohibit an employer from requiring, as a condition of employment, a waiver by an employee or prospective employee of the employee's rights under any state or federal law.

HB 775

AN ACT relating to the maintenance and renovation of park facilities and making an appropriation.

Creates new sections of KRS Chapter 148 to establish a trust and agency account to receive moneys attributable to any increase in fees and charges at the state's parks designated by the commissioner as an increase for the purposes of this Act; provides for the renovation and maintenance of park facilities but not capital expansion items; requires reporting to the Legislative Research Commission and appropriate for expenditure of moneys in the fund; adds new sections of KRS Chapter 148 to create State Parks Commission; and adds title amendment.

HB 776

AN ACT relating to the employment of certified emergency medical technicians at underground coal mines.

Amends KRS 351.127 relating to emergency medical technicians at underground coal mines to allow any mine without an emergency medical technician ten rather than ninety days to employ one; and allows the commissioner to extend the 10-day period for good cause, but not beyond 30 days.

HB 787

AN ACT relating to sales.

Amends KRS 365.420 to include in the information requested of the applicant when applying for a fire, removal, or going out of business sale: the names, address, and position of all partners, the address of the principal officer within the state, the date and place of organization and whether a controlling interest in the firm was transferred within the twelve months before the date of the filing of the application, and the nature of the occupancy where the sale is being held; sets out with specificity the contents of the forms to be filed by the applicant; requires the Attorney General to prescribe forms pursuant to administrative regulation; permits the Attorney General to establish forms for a particular business where needed; requires the applicant to conform costs on the application with costs listed on inventory used for federal tax purposes; prohibits the further sale of items used within the past year in a sale licensed under this Act except for a fire, smoke, or water sale; amends KRS 365.430 to prohibit a license for such sales to be issued to anyone who has acquired a right or title to the trade name or style or a person within twelve months rather than six months prior to the time of making an application; sets a limit of two on the number of permits which a county clerk can issue to a single individual, or firm, or business unless approved by the Attorney General after an investigation; requires the Attorney General to promulgate by administrative regulation the application, investigatory, and appeal process.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HB 788

AN ACT relating to local government.

Amends KRS 95.869 to alter the way that pension fund boards of trustees are structured by deleting the requirement that a fund must have a certain number of active members in order to have a particular structure and instead only base board structure on whether or not a city has any active members still participating in the fund.

HB 798

AN ACT relating to third party payments and rights of recovery by the Cabinet for Human Resources.

Amends KRS 205.626, relating to recovery of third party payments by the Medicaid program, to specify that any judgment, award or settlement obtained by a Medicaid recipient is subject to the Cabinet for Human Resources' claim for reimbursement for Medical assistance paid on behalf of the recipient; amends KRS 205.628 to specify Medicaid recipients are liable to the Medicaid program for any payment received from a third party to the extent Medicaid benefits have been paid on their behalf; requires that attorneys representing a Medicaid recipient against a third party notify the cabinet in the same manner as provided in KRS 411.188 for notifying parties with subrogation rights; specifies that if a settlement or judgment obtained by a recipient is reduced because of inadequate insurance or apportionment of fault, the cabinet's claim for reimbursement shall be diminished in a pro rata fashion; requires insurance companies to provide the Cabinet for Human Resources with information on claims paid for policyholders, to compare the data with medicaid eligible recipients; requires information obtained to be kept confidential.

HB 810

AN ACT relating to school facilities tax levies.

Creates a new section of KRS Chapter 157 to permit local school districts that qualify as growth districts to levy five cents (\$0.05) tax in addition to taxes needed to participate in school construction funding program; establishes criteria for growth district designation by requiring 3% overall student growth for the five preceding years; provides that additional tax is not equalized or subject to recall provision if the rate produces more than 4% of the amount of revenue generated by compensating tax rate; provides for expiration of section upon certain level of state budgeting; amends KRS 160.470 to conform.

HB 814

AN ACT relating to snow removal on state roads.

Creates a new section of KRS Chapter 177, relating to state highways, to permit a county judge/executive to order county plows to clear snow from state roads without declaring an emergency.

HB 815

AN ACT relating to insurance.

Amends KRS 304.5-070 relating to automobile guaranty insurance to define the term "maker" to include a warranty service company that issues guaranties through a motor vehicle dealer who is not an obligor under the contract.

HB 826

AN ACT relating to children.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Requires the Secretary of the Cabinet for Human Resources, the State Board for Elementary and Secondary Education, and the Commissioner of Education to develop policies to assure that local school districts providing a funding match shall have direct access to Medicaid funding for eligible children with disabilities; amends KRS 158.135 to include in the definition of "state agency children" those children placed or financed by the Cabinet for Human Resources and mentally retarded children in home and community based services provided as an alternative to intermediate care facilities; includes a representative of the Department for Medicaid Services and a local district special education administrator as members of the advisory board to the Educational Collaborative for State Agency Children; amends KRS 157.280 to require a local school district to assume the costs for children placed outside the district for special education; requires the parent to assume the costs if the district has an appropriate program and the parent chooses to send the child outside the district.

HB 830

AN ACT relating to school facilities.

Amends KRS 157.440 to clarify the requirements to participate in the Facilities Support Program of Kentucky; requires the tax levy to participate be made no later than October 1 of each odd-numbered year; requires that any equalized funds not needed for debt service be deposited to a restricted building fund account for future debt service or priorities listed in the approved facilities plan; amends KRS 157.620 to require a commitment of at least an equivalent tax rate of five cents to debt service as defined in KRS 157.440; requires a local board of education to continue its use of settlement school facilities if the facilities meet health and safety standards for education facilities; requires that the local board and the governing body of the settlement school enter into a cooperative agreement regarding the use of the facilities.

HB 851

AN ACT relating to state employees.

Amends KRS 61.394 to change military leave to correspond to the federal fiscal year; permits officers or public servants employed by an agency that is privatized to accept employment from the person or business which operates the agency; prohibits certain present or former officers or public servants from accepting employment under certain conditions; provides that former officers or public servants may receive public funds disbursed through entitlement programs; provides promulgation of regulations to establish conditions under which public servants may accept outside employment with entities which do business with, or are regulated by, the state.

HB 852

AN ACT relating to railroads.

Creates new sections of KRS 277 to require and place limits on liability insurance required for special passenger excursion trains; makes it unlawful for persons to trespass on railroad property, tracks, or rights-of-way, other than passing over tracks, property or right-of-way at a public or private crossing; limits to railroad property that has not been legally abandoned or being used for other railroad purposes; makes violation a crime, punishable as criminal trespass in the third degree; sets maximum fine of twenty-five (\$25) for first violation, fifty dollars (\$50) for second, and one hundred dollars (\$100) for third and any subsequent violation.

HB 855

AN ACT relating to mortgage loan companies and brokers.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Amends KRS 294.034 on mortgage loan company license renewal to require submission of an annual financial statement and other information required by the Commissioner of the Department of Financial Institutions; amends KRS 294.020 to exempt from KRS Chapter 294 any person who makes less than 5 mortgages per year and an institution of the farm credit system organized under the Farm Credit Act of 1971; amends KRS 294.220 to provide it is unlawful for a mortgage loan company or broker to fail to disburse funds in accordance with a loan commitment and to delay closing a mortgage loan to increase interest, cost, fees, or charges payable by the borrower; amends KRS 294.060 to require mortgage loan brokers to post surety bonds in the amount of \$25,000 rather than \$5,000; amends KRS 294.990 to provide that a person who engages in the mortgage loan business without securing a license shall be guilty of a misdemeanor and fined \$500 to \$1,000; provides that violation of a cease and desist order shall be punishable by a fine of \$500 to \$1,000.

HB 863

AN ACT to revise and correct the Kentucky Revised Statutes.

Repeals and reenacts KRS 121.990, 177.035, 186.642, and 224.60-135, to ratify and confirm prior action of the Reviser of Statutes in codifying or making technical corrections to these statutes; repeals, reenacts, and amends KRE 803 to add words inadvertently omitted in enactment; repeals KRS 99.770 and 355.6-100 to remedy oversight in failing to repeal these statutes when the remainder of their ranges were repealed.

HB 864

AN ACT relating to the Department of State Police.

Amends KRS 16.040 to change the educational requirements for persons appointed state police officers; require the person to have a minimum of 60 hours of credit, or an associate degree, from an accredited college or university, or to be a high school graduate with at least two years' experience in the military or in law enforcement; deletes educational requirement for a high school graduation or equivalency with credit given for experience in police administration.

HB 871

AN ACT relating to civil rights.

Amends KRS 344.020 to include as one of the chapter's purposes the Civil Rights Act of 1991; amends various sections of KRS Chapter 344 to prohibit discrimination against individuals because of age, and to change "Disability" to refer to a "Qualified individual with a disability" for employment purposes to clarify the language and conform to federal law; amends KRS 344.030 to include disability discrimination in the undue hardship definition; amends KRS 344.190 to reflect Louisville, not Frankfort, as location of main office and permit commission to purchase liability insurance for members and full-time employees; amends other sections relating to procedure for hearings on complaints.

HB 875

AN ACT relating to city officers and employees.

Creates new sections of KRS Chapter 61 to prohibit city officers and employees from holding any contract with their city or city agency; provides exceptions for contracts entered into before the officer or employee became a candidate for office or was appointed, contracts awarded after public notice and competitive bidding, and contracts made pursuant to a specific finding by the governing body that the contract is in the best interests of the public and the city; provides that

ACTIONS OF THE 1994 GENERAL ASSEMBLY

violation of the prohibition is a Class A misdemeanor and shall be grounds for removal from office; repeal KRS 61.250, 61.260, 61.270, and 61.280.

HB 888

AN ACT relating to the state budget process and the administration thereof.

Amends various sections of KRS Chapter 45 and 48 to define appropriation related terms; clarifies elements of the budget reduction plan implementation; requires analysis of quarterly tax receipts in comparison to revenue estimates; prohibits budget revisions in excess of actual or projected deficit; requires allotments to conform to specified texts; incorporates standard branch budget provisions into KRS Chapter 48; conforms other statutes using appropriation related terms; repeals KRS 446.085.

HB 889

AN ACT relating to competitive sealed bidding.

Amends KRS 45A.080, relating to the Kentucky Procurement Code, to require when bids are opened publicly that the purchasing agency's engineer's estimate is also announced and made a part of the agency's records; amends KRS 176.080 and 180.060 respectively, to require the Department of Highways to announce the department's engineer's estimate when bids are opened on any highway construction project contract or bridge construction contract.

HB 890

AN ACT relating to retirement.

Amends KRS 67A.410 to reduce the retirement age for police and firefighters in urban counties to 46, provides for cost-of-living increases to begin at age 47; Amends KRS 67A.460 to reduce the permanent occupational disability rate to 60%, permits it to be increased to no more than 75% by physicians selected by the retirement board.

HB 891

AN ACT relating to state government and declaring an emergency.

Amends KRS 6.793 to direct a candidate for nomination or election to the General Assembly to file his statement of financial interests no later than 21 days after the date he becomes a candidate; makes that provision retroactive to include candidate, for nomination or election to the General Assembly in the 1994 primary election and declares the provision to be effective upon its passage and approval by the Governor; amends KRS 6.611 to exempt any service spontaneously extended to a legislator in an emergency situation from the definition of "anything of value"; amends KRS 6.681 to specify the basis for advisory opinions; amends KRS 6.686 to provide that a person who is the subject of a preliminary investigation has 30 days to respond; amends KRS 6.691 to specify the basis for the findings of the Ethics Commission in adjudicatory proceedings; amends KRS 6.744 to allow legislators to contact a state agency on behalf of a "person," as defined in the legislative code of ethics; amends KRS 121.175 to permit General Assembly members to make campaign expenditures in both election years and nonelection years.

HB 893

AN ACT relating to exceptional students.

Amends KRS 157.200 to define problems or conditions that may be considered under the category of "other health impaired" for educational purposes; includes attention deficit disorders and attention deficit hyperactive disorder as problems that may require a student to have special education.

HB 898

AN ACT relating to the control of wagering.

Creates a new section of KRS Chapter 230 to authorize whole-card interstate simulcasting and wagering by Kentucky tracks, subject to specific limitations; permits receipt of interstate simulcasts during a live meet if the receiving track remits a percentage of the commission to the host track; stipulates that any interstate simulcasts received by a host track are to be made available to all tracks and simulcast facilities through the intertrack wagering system; stipulates that a receiving track is required to conduct intertrack wagering on live racing on any day it receives an interstate simulcast, except as otherwise provided by law; provides that a receiving track or simulcast facility is not required to receive an interstate simulcast; provides that if more than one track of the same breed conducts live racing at the same time of day, all must agree on the interstate simulcasting; provides that if more than one track of the same breed conducts live racing at different times of the day, the track with the largest average daily handle is the host track for determining the commission split; provides that each track must request 100% of racing dates awarded in 1994 and 100% of races awarded in 1993, as a requisite for conducting interstate simulcasting; provides that less than 100% of dates and races may be requested, if approved by the Kentucky Horsemen's Benevolent and Protective Association and the Kentucky Thoroughbred Owners and Breeders Association for thoroughbred racing, and the Kentucky Harness Horsemen's Association, for harness racing; requires a separate accounting of interstate simulcasting information; makes graded stakes races and harness races with purses in excess of \$75,000 exempt from whole-card requirements and commission splits; provides that the commission from interstate simulcasting, after deduction of taxes and contractual amounts, be split as follows: (1) 25% to the Kentucky receiving track; (2) 25% to Kentucky host (if no live racing occurring, money to remain with the receiving track); (3) 25% to purse program of receiving track; (4) 25% to purse program of host track (if no live racing occurring, money goes to purse program of receiving track); specifies commission split for a simulcast facility is to be done in accordance with KRS 230.380(9); permits a harness track to receive thoroughbred interstate simulcasts, and a thoroughbred track to receive harness interstate simulcasts only through the intertrack wagering system; allows race tracks in counties with more than one track to receive simulcast, subject to additional rules, including harness tracks selecting interstate simulcasting date before thoroughbred tracks in even-numbered years and thoroughbred tracks in off-numbered years; requires selected dates to correspond with ITW dates, exempting sales dates, and dates chosen in weekly increments; prohibits simulcasting of one breed while live racing of another breed is being conducted; from the effective date of the Act until 12-31-94, establishes racing date proportion at 30% to harness and 70% to thoroughbred; beginning 1-1-95, establishes method of determining racing dates; during calendar year 1995, establishes minimum percentage of racing dates available to harness and thoroughbred tracks; defines "available interstate simulcast dates"; allows interstate simulcasting on certain significant races without further approval; permits the use of "interstate common wagering pools"; allows the racing commission to promulgate different standards for interstate common wagering pools; allows interstate pools to be formed in Kentucky or in other states; stipulates that the location of a track is the determining factor for tax purposes; amends KRS 230.377 to continue to allow interstate simulcasting on certain significant races without further approvals; requires approval for interstate simulcasting by listed horsemen's organizations; specifies conditions under which approval may be withheld; amends KRS 230.378 to conform; amends KRS 138.510 to impose a 3% tax on money wagered through interstate simulcasting; specifies that 2% deducted from interstate wagering tax is to be deposited in the development fund of the breed conducting the race meeting.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HB 900

AN ACT relating to an information highway.

Creates a new section of KRS Chapter 45A to define terms; permits the Finance and Administration Cabinet to contract on behalf of agencies of the Commonwealth, including state institutions of higher education upon their written request, with entities operating an information highway; requires all agencies to obtain communications services under the contracts unless granted an exemption by the secretary of the Finance and Administration Cabinet upon good cause shown; deems the contracts state agency price contracts to which political subdivisions and state licensed nonprofit institutions of higher education have access.

HB 912

AN ACT relating to local government.

Amends KRS 82.700 to add cities of the second class to the definition of local governments which may enact a nuisance code by ordinance.

HB 913

AN ACT relating to local government.

Amends KRS 67.825 to permit citizens of counties, excluding those containing cities of the first class and urban-counties, to form charter county governments or consolidate the services or functions of the affected cities and county; amends KRS 67.830 to permit the prescribed cities and counties to adopt ordinances to form charter county governments or to consolidate the services and functions of affected local governments; requires the petition required for referendum purposes contain the signatures of a number of registered voters equal to 20% of the number of county residents voting in the preceding regular election; requires appointment of a study commission to consider merger or consolidation of services or functions upon enactment of ordinance or petition as prescribed; requires the commission be composed of not less than 20 or more than 40 members, requires county appointments to the commission to equal 55% and city appointments equal 45%; requires the county judge/executive to serve as a voting member of the commission and preside as chairman; requires the commission to be funded by the fiscal court and each city in proportion to their ratio of membership on the commission; charges the commission with the development of a comprehensive plan for the consolidation of services and functions or the formation of a charter county government, and requires the county to provide for the consolidation of any services or functions as determined by referendum; amends KRS 67.845 to permits, rather than requires, the dissolution of cities and special districts within the affected county, permits rather than requires a charter county be designated as a county, permits rather than requires the charter county to designate prescribed information to the appropriate state and federal agencies, and permits rather than requires designations and determinations be made following a public hearing; and amends KRS 67.835 and 67.840 to conform.

HB 922

AN ACT relating to professional art therapy practice.

Establishes KRS Chapter 309 and creates various new sections to define the following terms: "certified professional art therapist," "certificate holder," and "accredited institution"; "board," "practice of art therapy," "professional art therapist," "professional art therapy," and "referral;" creates the Ky. Board of Certification for Professional Art Therapists; establishes its members and the method of selecting the members; sets forth the duties of the board, minimum requirements for certification as a professional art therapist, limitations of certification, maximum

ACTIONS OF THE 1994 GENERAL ASSEMBLY

fees the board may collect, and cause for disciplinary action; creates the fund in the State Treasury the funds in which are to be deposited to the credit of the board; exempts other qualified members of other professions from the provisions of this Act; establishes the violation of the provisions of this Act as a Class A misdemeanor and amends KRE 506 to establish a client-certified professional art therapist privilege.

HB 928

AN ACT relating to workers' compensation and declaring an emergency.

Amends KRS 336.015, 336.020, 336.040, 342.1228, 342.1223, and 12.020 to consolidate the functions and administration of the workers' compensation program in the Labor Cabinet; amends KRS 342.0011 to: define "premium", "premium received", "direct written premium", "return premium", "insurance policy", and "self-insurance year" for purposes of workers' compensation deductible insurance policies and special fund assessments; define "physician" to include physicians and surgeons, psychologists, optometrists, dentists, podiatrists, and osteopathic and chiropractic practitioners; define a "managed health care system" as one that employs gatekeeper physicians, performs utilization reviews, and conducts audits of medical bills; and, define investment interest" for purposes of limiting self-referral by medical providers; creates a new section to establish an ombudsman program in the Department of Workers' Claims; amends KRS 342.213, 342.215, 342.228, 342.230, 342.231, 342.270 and 342.275 to make the workers' compensation board appellate only; require the commissioner to be a lawyer and to train the administrative law judges; remove the Circuit Judge qualification requirement for administrative law judges; provide for termination of a member of the workers' compensation board or an administrative law judge for failure to perform statutorily-required functions; revise the terms of administrative law judges to effect expiration before each regular legislative session; require an additional administrative law judge to be based in Frankfort, to assist other administrative law judges, and to handle medical disputes; prohibit musical-chair appointments of members of the board; strengthen the workers' compensation nominating commission by requiring the members to appoint the chair, compensating the members for attending meetings, and establishing specific requirements regarding meetings of the commission; require nominating commission to nominate the administrative law judges and the commissioner, as well as the board; require the Governor to appoint the administrative law judges and the commissioner as well as the members of the board and subject all to Senate confirmation; establish salary of the commissioner at not less than that of a member of the board; require the board and the ALJs to rule on cases within 60 days; subject the administrative law judges and the workers' compensation board to ethics code of the executive branch or the judicial ethics code; creates a new section of KRS Chapter 342 to authorize an alternative dispute resolution system to be utilized by the employer and employee through a collective bargaining agreement; creates a new section to authorize voluntary pilot projects for integrated management of health insurance and workers' compensation; amends KRS 342.020, 342.033, 345.035, 342.735, 342.710, and creates a new section to: authorize the use of medical managed care and require gatekeeper physicians; limit self-referral by medical providers; require a review every 2 years, and updating, if appropriate, of medical fee schedules with the first review to occur by November, 1994; require 25% reduction in medical costs following review of medical fee schedules; prohibit balance-billing by medical providers; require promulgation of fee schedules for medical depositions and reports; require audits to determine compliance with fee schedules; require administrative regulations governing medical provider utilization review activities; authorize promulgation of administrative regulations on managed care, statements for medical services, and to establish expedited methods for resolving medical disputes; require adoption or development of medical practice parameters and provide that compliance with the parameters

ACTIONS OF THE 1994 GENERAL ASSEMBLY

shall be presumed to satisfy the appropriate legal standard in medical malpractice cases; require continued provision of prosthetic devices for duration of disability; prohibit interpretation, prior to an order from an ALJ, of rehabilitation provisions to require mandatory evaluation of employees; repeal administrative regulations on rehabilitation that require mandatory referral to qualified rehabilitation coordinators; amends 342.730, 342.732, 342.750, 342.125, and 342.143, to: repeal the Teledyne decision; increase permanent partial disability award to 520 weeks if disability is greater than 50%; limit permanent partial disability award to an employee who returns to work at the same or higher wage to not more than double the functional impairment rating for 425 weeks; eliminate retraining incentive benefit (RIB) to a working miner unless he is attending an approved education or training program; authorize employee who returns to work at the same or higher wage, to reopen his case, based on an increase in occupational disability due to the injury; require a change in medical condition to reopen other permanent partial disability cases; freeze state average weekly wage for 2 years for purposes of benefit calculation, with subsequent calculations to be based on average weekly wage in effect 2 years prior to the calculation; tier-down income benefits when a worker reaches the age of 65 by 10% annually until age 70; amends KRS 342.320 to limit claimant attorney fees to \$15,000, and \$750 for unresisted RIB claims; and, provide options for payment of attorney fees; amends KRS 342.120 to limit liability of the Workers' Compensation Special Fund to not exceed 50% of an award; and, to provide for partial acceleration of an award by the special fund; amends KRS 342.122 to: adopt recommendations of the Funding Commission for special fund assessments for 1995 and 1996; impose assessments on gross premium rather than on net premium for deductible workers' compensation policies; authorize the special fund to retain the funds collected in assessments if those funds exceed the statutory amounts; and, delete the prohibition on investments in South Africa; amends KRS 342.1221 to authorize the Funding Commission to waive the penalty for failure to make timely payment of special fund assessments; amends KRS 342.1222 to authorize refunds or credits of special fund assessments if refunds or credits are made to policyholders; and, to extend, from 1 year to 4 years, the statute of limitations for applying for refunds or credits of special fund assessments; amends KRS 342.340 to require an insurance carrier to notify the commissioner of the Department of Workers' Claims if it extends coverage to a Kentucky employer; and, to require continued obligation of self-insurer to pay benefits it is liable for even if self-insurance certification is revoked; amends KRS 342.345 to require annual review of self-insurance administrative regulations by the commissioner of the Department of Workers' Claims and the Labor and Industry Committee of the General Assembly; and, increase the staff of the Division of Coverage and Compliance in the Department of Workers' Claims by 5 for the purpose of reviewing and monitoring self-insurance; amends KRS 342.165 and 342.335 to prohibit fraud and prohibit payment of benefits to an employee who falsely represented his physical condition at time of employment; amends 342.990 to impose penalties for fraud, violations of the prohibition against balance-billing by medical providers, restrictions on self-referral by medical providers and, for failure to timely pay medical bills; creates a new section of Subtitle 13 of KRS Chapter 304 to require an insurance carrier to provide an employer or his agent with his experience modification factor, at no cost; creates a new section of KRS Chapter 342 to require data reports from insurance carriers including self-insurance groups and self-insured employers; creates a new section of KRS Chapter 338 to expand the Kentucky Occupational Safety and Health Program by 16 employees on July 1, 1994; amends KRS 342.700 to prohibit mandatory waiver of subrogation by contractors and purchasers; amends KRS 304.14-100 to exempt workers' compensation applications for insurance from statements of misrepresentation; amends KRS 342.012 to require partnerships to submit or file tax returns annually by April 15; amends KRS 342.038 to require an employer to report to his carrier an injury within three days of its occurrence; amends KRS

ACTIONS OF THE 1994 GENERAL ASSEMBLY

342.185 to extend to 5 years the statute of limitations for filing workers' compensation claims for AIDS; creates a new section of KRS 304.20 to require an insurance carrier to notify the commissioner of the Department of Workers' Compensation Claims when it insures a Kentucky employer; creates new sections of KRS Chapter 342 to establish a competitive state fund and to abolish the existing workers' compensation residual market (Kentucky Workers' Compensation Insurance Plan (KWCIP) beginning on September 1, 1995; amends numerous sections of KRS Chapter 342 to conform by changing "board" to "commissioner"; makes definition of premium retroactive to January 1, 1994 for workers' compensation policies with deductibles; makes the provision relating to claiming refunds or credits for special fund assessments retroactive to January 1, 1994; and, makes the revised attorney fees applicable to injuries and diseases occurring after the effective date of the Act; EMERGENCY-all sections of the Act.

HB 929

AN ACT relating to legal services.

Creates new section of KRS Chapter 27A to provide for nonprofit legal services corporations, funded by fees imposed on civil litigation filings, and federal funds, to provide civil services to indigents under Supreme Court and Administrative Office of the Court directions; amends KRS 387.560, relating to appointment of counsel in determination of disability proceedings, to increase fees as follows: from \$35 to \$60 per hour for time spent in court and from \$25 to \$40 per hour for time spent out of court.

HB 931

AN ACT relating to breast cancer control.

Amends KRS 214.550 to delete the term "Asymptomatic"; amends KRS 214.554 to add as a purpose for the Breast Cancer Screening Program that of reducing morbidity and mortality from breast cancer in women through early detection and treatment; expands the membership of the Breast Cancer Advisory Committee to include the director of the Kentucky Cancer Registry, one representative of the Kentucky Office of Rural Health, and one representative of the Kentucky Commission on Women; requires the Commissioner for Health Services, in consultation with the Breast Cancer Advisory Committee, to report specified breast cancer screening data to the Committees on Appropriations and Revenue and Health and Welfare annually instead of biennially; amends KRS 214.556, relating to the Kentucky Cancer Registry, to require each licensed health facility and which provides diagnostic services, or diagnostic services and treatment, or treatment to cancer patients, rather than each acute care hospital or other facility providing treatment to cancer patients, to report each cancer case seen at that health facility; provides Kentucky cancer registry access to cancer patient records; clarifies that any funds appropriated by the General Assembly, instead of any funds appropriated, be for the purpose of the Breast Cancer Screening Program, instead of for the purpose of the Breast Cancer Screening Fund.

HOUSE RESOLUTIONS

HJR 3

Recognizes the Kentucky Aviation History Roundtable, Inc., and names the Kentucky Aviation Hall of Fame, Inc., as the "official" Aviation Hall of Fame of Kentucky.

HJR 5

Designates Bernheim Arboretum and Research Forest as the official state arboretum.

HJR 13

Directs the secretary of the Transportation Cabinet to rename US 23 the Country Music Highway; specifies that fiscal courts are responsible for paying to erect signs recognizing US 23 "The County Music Highway."

HJR 23

Directs the State Board for Adult and Technical Education and the Workforce Development Cabinet to name the main building on Kentucky Tech West Campus in Paducah the "D. H. Anderson Technical Building."

HCR 24

Confirms the Governor's appointment of Janice Kaelin Douglass to the Kentucky Long-Term Policy Research Center Board for a term ending October 6, 1994.

HCR 25

Confirms the Governor's appointment of Frederick C. Ladt to the Kentucky Long-Term Policy Research Center Board for a term ending October 6, 1995.

HJR 26

Establishes Benny Powell Point on the Kentucky River in memory of Benny Powell.

HJR 27

Provides that any mandates, directives, or initiatives in the 1994-96 Judicial Branch Budget Memorandum shall have the force and effect of law; specifies that the 1994-96 Judicial Branch Budget Memorandum shall not be construed to contain appropriations, and if there is a conflict between the Budget Memorandum and the Budget Bill, then the Budget Bill shall prevail; declares an emergency.

HJR 28

Provides that any mandates, directives, or initiatives in the 1994-96 State/Executive Branch Budget Memorandum shall have the force and effect of law; specifies that the 1994-96 Executive Branch Budget Memorandum shall not be construed to contain appropriations, and if there is a conflict between the Budget Memorandum and the Budget Bill, then the Budget Bill shall prevail; declares an emergency.

HJR 29

Provides that any mandates, directives, or initiatives in the 1994-96 Legislative Branch Budget Memorandum shall have the force and effect of law; specifies that the 1994-96 Legislative

ACTIONS OF THE 1994 GENERAL ASSEMBLY

Branch Memorandum shall not be construed to contain appropriations, and if there is a conflict between the Budget Memorandum and the Budget Bill, then the Budget Bill shall prevail; declares an emergency.

HCR 33

Confirms the Governor's appointment of Robert T. McCowan to the Kentucky Long-Term Policy Research Center Board for a term ending October 6, 1995.

HCR 34

Confirms the Legislative Research Commission's appointment of Vic Hellard, Jr., to the Board of the Kentucky Long-Term Policy Research Center for a two-year term.

HCR 35

Confirms the Legislative Research Commission's appointment of Betty Sue Griffin to the Board of the Kentucky Long-Term Policy Research Center for a three-year term.

HCR 36

Confirms the Governor's appointment of Joan Riehm to the Kentucky Long-Term Policy Research Center Board for a term ending October 6, 1994.

HCR 37

Confirms the Governor's appointment of Dr. Samuel Robinson to the State Board for Elementary and Secondary Education, representing the state at large, for a term expiring April 14, 1996.

HCR 38

Confirms the Legislative Research Commission's appointment of Charles Beach III to the Board of the Kentucky Long-Term Policy Research Center for a four-year term.

HCR 39

Confirms the Legislative Research Commission's appointment of Paul B. Cook to the Board of the Kentucky Long-Term Policy Research Center for a three-year term.

HCR 40

Confirms the Governor's appointment of Penny M. Miller to the Kentucky Long-Term Policy Research Center Board for a term ending October 6, 1996.

HCR 41

Confirms the Legislative Research Commission's appointment of Robert F. Sexton to the Board of the Kentucky Long-Term Policy Research Center for a four-year term.

HCR 42

Consents to the appointment of Barry Bingham, Jr., to the Governor's Higher Education Nominating Committee for a term expiring April 14, 1994.

HCR 43

Confirms the Governor's appointment of Forrest Wayne Calico, M. D., to the Kentucky Long-Term Policy Research Center Board for a term ending October 6, 1996.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HCR 47

A CONCURRENT RESOLUTION directing a study of the statutory differences which exist between Kentucky's classes of cities.

Directs the Legislative Research Commission to study the differences which exist between the various classes of cities; requires the study to be completed by July 31, 1995; estimates the cost of the study to be \$10,000 and to be provided from the regular commission budget subject to specified limitations.

HCR 49

Declares Monroe County the "Marble Capital of the Commonwealth".

HJR 50

Directs the Transportation Cabinet to name the bridge over the South Fork of the Kentucky River at Oneida, Kentucky, the Melvin V. Arnett Bridge.

HJR 52

Directs the Transportation Cabinet to name U.S. Route 25E from the Bell County line to the Robert Madon Bypass, the Pascal Costanzo, Jr. Memorial Highway.

HCR 53

Recommends designation of the Flat Woods communities of Clay, Leslie, Owsley and Perry Counties as a Federal Rural Empowerment Zone.

HCR 60

Expresses General Assembly's support for legislation to expand Occupational Safety and Health Act standards to include independent contractors; directs the Interim Joint Committee on Labor and Industry to undertake a study of independent contractors during the 1994-96 interim, particularly regarding compliance with unemployment insurance, income tax withholding, and workers' compensation laws; requires report to be submitted to the Legislative Research Commission by October 1, 1995.

HJR 62

Urges the Department of Education to develop strategies to assist elementary teachers with implementing Education Reform initiatives; directs the department to develop a plan of action and present it to the Interim Joint Committee on Education by July 1994.

HCR 63

Directs the Interagency Task Force on Family Resource Centers, along with the Cabinets for Human Resources and Education, Arts, and Humanities, to continue development of the Kentucky Children's Initiative.

HJR 66

Directs the State Board for Elementary and Secondary Education to promote the idea of a year-round calendar for schools and assist local schools and districts implement a year-round school calendar upon request; requires State Board for Elementary and Secondary Education to submit a report on this subject to the Legislative Research Commission by no later than July 15, 1995.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HCR 74

Directs the Legislative Research Commission to study the communities and areas to be nominated for a Federal Empowerment Zone and Enterprise Community; establishes a task force; requires a report; declares an EMERGENCY.

HJR 81

Creates a Task Force on Underground Coal Mining Penalties to review the adequacy of the law imposing penalties on underground coal mine operators and miners; directs the Secretary of the Public Protection Cabinet to make appointments to the task force; requires the task force to report quarterly to the interim joint committee; requires the task force to recommend that administrative regulations promulgated as a result of its report have a 30-day delay in implementation, to allow time for training and education; declares an emergency.

HJR 82

Directs the secretary of the Revenue Cabinet to conduct a study during the interim relating to the public service corporation assessment of airlines and make recommendations of any changes in the method of taxation to the Interim Joint Committee on Appropriations and Revenue.

HCR 90

Recommends the designation of Bell County, Kentucky, Lee County, Virginia, and Hancock County, Tennessee as Federal Empowerment Zone and Enterprise Community.

HJR 91

A JOINT RESOLUTION directing the Cabinet for Economic Development to investigate the feasibility of creating a pilot program to assist public assistance recipients to become self-sufficient by developing their own small businesses and, if feasible, work with the Cabinet for Human Resources to establish such a pilot program.

Directs the Cabinet for Economic Development to investigate the feasibility of creating a pilot program to assist public assistance recipients to become self-sufficient by developing their own small businesses; directs the Cabinet for Human resources to acquire all needed federal waivers for such programs; implements a pilot project if found to be feasible; requires report to the Legislative Research Commission.

HCR 95

Confirms the Governor's appointment of Henry M. Mann to the Higher Education Nominating Committee for a term expiring April 14, 2000.

HCR 96

Confirms the Governor's appointment of Barry Bingham, Jr., to the Higher Education Nominating Committee for a term expiring April 14, 2000.

HCR 99

Confirms the Governor's appointment of Craig True to the State Board for Elementary and Secondary Education for a term of expiring April 14, 1998.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HCR 100

Confirms the Governor's appointment of Joseph W. Kelly to the State Board for Elementary and Secondary Education for a term of expiring April 14, 1998.

HCR 101

Confirms the Governor's appointment of Helen W. Mountjoy to the State Board for Elementary and Secondary Education for a term of expiring April 14, 1998.

HCR 102

Confirms the Governor's appointment of Margaret G. Pope to the State Board for Elementary and Secondary Education for a term of expiring April 14, 1998.

HCR 103

Confirms the Governor's appointment of Jane A. Venters to the State Board for Elementary and Secondary Education for a term of expiring April 14, 1998.

HCR 104

Confirms the Governor's appointment of Thomas E. Gish to the State Board for Elementary and Secondary Education for a term of expiring April 14, 1998.

HCR 108

Requests that the Governor include the issue of the tax treatment of private pensions on the call of any special session called on tax reform.

SENATE MEMBERS

(Legislators' names are in alphabetical order with party affiliation designated by initial, home town, counties in district, and number of the legislative district.)

BAILEY, BENNY RAY (D-Hindman) Breathitt, Floyd, Knott, Leslie, Perry, 29

BAKER, WALTER A. (R-Glasgow) Allen, Barren, Butler, Edmonson, Metcalfe, Ohio, Simpson, 9

BERGER, CHARLES W. (D-Harlan) Bell, Harlan, Leslie, Letcher, 17

BLEVINS, WALTER, JR. (D-West Liberty) Clay, Elliott, Jackson, Lee, Magoffin, Menifee, Morgan, Owsley, Rockcastle, Rowan & Wolfe, 27

BORDERS, CHARLIE (R-Russell) Bracken, Carter, Greenup, Lewis, Mason, 18

BOSWELL, DAVID E. (D-Owensboro) Daviess, Hancock, 8

BRADLEY, FRED (D-Frankfort) Bullitt, Franklin, Shelby, Spencer, 20

BUFORD, TOM (R-Nicholasville) Anderson, Boyle, Garrard, Jessamine, Mercer, 22

CASEBIER, LINDY (R-Louisville) Jefferson, 7

FORD, ED (D-Cynthiana) Bourbon, Fayette, Harrison, Nicholas, Robertson, Scott, Woodford, 30

FRIEND, KELSEY E. (D-Pikeville) Floyd, Martin, Pike, 31

GREEN, JEFF (D-Mayfield) Calloway, Carlisle, Christian, Fulton, Graves, Hickman & Trigg, 1

HUFF, GENE (R-London) Clay, Knox, Laurel, Leslie, 21

JOHNS, SUSAN D. (D-Louisville) Jefferson, 36

KAFOGLIS, NICK (D-Bowling Green) Logan, Warren, 32

KAREM, DAVID K. (D-Louisville) Jefferson, 35

KELLY, DAN (R-Springfield) Bullitt, Marion, Nelson, Taylor, Washington, 14

LACKEY, HENRY G. (D-Henderson) Crittenden, Henderson, Livingston, Lyon, Union, Webster, 4

LEEPER, ROBERT J. (BOB) (D-Paducah) Ballard, McCracken, Marshall, 2

METCALF, BARRY (R-Richmond) Fayette, Garrard, Lincoln, Madison, 34

MEYER, DANNY (D-Louisville) Jefferson, 38

MEYER, JOSEPH U. (D-Covington) Campbell, Kenton, 23

MOLONEY, MICHAEL R. (D-Lexington) Fayette, 13

MOORE, VIRGIL (R-Leitchfield) Breckinridge, Grayson, Hart, LaRue, Meade, Ohio, 5

NEAL, GERALD A. (D-Louisville) Jefferson, 33

NELSON, KIM L. (D-Madisonville) Caldwell, Crittenden, Hopkins, McLean, Muhlenburg, 6

PENDLETON, JOEY (D-Hopkinsville) Butler, Christian, Logan, Muhlenberg, Todd, 3

PHILPOT, TIM (R-Lexington) Fayette, 12

PRESTON, JOHN DAVID (R-Paintsville) Boyd, Elliott, Johnson, Lawrence, Magoffin, 25

RAND, RICK W. (D-Bedford) Carroll, Grant, Henry, Oldham, Owen, Pendleton, Scott, Trimble, 26

ROEDING, RICHARD L. (R-Ft. Mitchell) Boone, Campbell, Kenton, 11

ROGERS, JOHN D. (R-Somerset) McCreary, Pulaski, Whitney, 15

ROSE, JOHN A. "ECK" (D-Winchester) Bath, Clark, Estill, Fleming, Montgomery, Powell, 28

SAUNDERS, LARRY (D-Louisville) Bullitt, Jefferson, 37

SHAUGHNESSY, TIM (D-Louisville) Jefferson, 19

SMITH, TOM (D-Sonora) Hardin, LaRue, 10

WILLIAMS, DAVID L. (R-Burkesville) Adair, Casey, Clinton, Cumberland, Green, Monroe, Russell, Wayne, 16

WILLIAMS, GEX (R-Verona) Boone, Campbell, Gallatin & Kenton, 24

HOUSE

- ACKERSON, JON** (R-Jeffersontown) Jefferson, 47
- ADAMS, ROYCE** (D-Dry Ridge) Carroll, Grant, Harrison, Owen, Pendleton, 61
- ADKINS, ROCKY** (D-Sandy Hook) Boyd, Elliott, Lawrence, 99
- ALLEN, WILLARD C. "WOODY"** (R-Morgantown) Butler, Grayson, Ohio, 17
- ALTMAN, RAY H.** (R-Finley) Green, Metcalfe, Taylor, 51
- ARNOLD, ADRIAN** (D-Mount Sterling) Bath, Menifee, Montgomery, Powell, 74
- BALLARD, EDDIE** (D-Madisonville) Hopkins, 10
- BARROWS, JOSEPH HOWARD** (D-Versailles) Franklin, Jessamine, Woodford, 56
- BENTLEY, RUSSELL** (D-Topmost) Floyd, Knott, Letcher, Perry, 92
- BONDURANT, KAYE** (D-Hodgenville) Bullitt, Hardin, LaRue, 26
- BOWLING, MIKE** (D-Middlesboro) Bell, Harlan, Leslie, 87
- BROWN, MARK S.** (D-Brandenburg) Bullitt, Hardin, Meade, 27
- BRUCE, JAMES E.** (D-Pembroke) Christian, Hopkins, 9
- BRYANT, JO ELIZABETH** (R-Williamsburg) McCreary, Whitley, 82
- BUIS, JEFFREY** (R-Liberty) Casey, Russell, Wayne, 52
- BURCH, THOMAS J.** (D-Louisville) Jefferson, 30
- BUTLER, DENVER** (D-Louisville) Jefferson, 38
- CALLAHAN, JAMES P.** (D-Southgate) Campbell, Kenton, 67
- CAVE, STAN** (R-Lexington) Fayette, 45
- CLARK, LARRY** (D-Louisville) Jefferson, 46
- CLARK, PAUL** (D-Louisville) Jefferson, 37
- CLARKE, JOSEPH P.** (D-Danville) Boyle, Lincoln, 54
- COLEMAN, JACK L., JR.** (D-Burgin) Anderson, Mercer, Spencer, 55
- COLLINS, HUBERT** (D-Wittensville) Johnson, Magoffin, Martin, 97
- CRENSHAW, JESSE** (D-Lexington) Fayette, 77
- CURD, FREED** (D-Murray) Calloway, Trigg, 5
- CYRUS, RONALD R.** (D-Flatwoods) Greenup, 98
- DAMRON, ROBERT R.** (D-Nicholasville) Garrard, Jessamine, Lincoln, 39
- DESKINS, HERBIE, JR.** (D-Coal Run) Martin, Pike, 94
- DeWEESE, BOB M** (R-Louisville) Jefferson, 48
- DONNERMEYER, WILLIAM I. SR.** (D-Bellevue) Bracken, Campbell, Pendleton, 68
- FARLEY, DONALD B.** (R-Ashland) Boyd, 100
- FARROW, MARK** (D-Stamping Ground) Harrison, Scott, 62
- FORD, DANNY R.** (R-Mt. Vernon) McCreary, Pulaski, Rockcastle, Wayne, 80
- FOX, RICK** (D-Harlan) Harlan, 88
- FRENCH, KENNY R.** (D-Warsaw) Boone, Gallatin, 60
- GEDLING, DONNIE** (D-Hardinsburg) Breckinridge, Hancock, Hardin, Meade, 18
- GEE, WALTER** (R-Grayson) Carter, Lewis, 96
- GEVEDEN, CHARLES R.** (D-Wickliffe) Ballard, Carlisle, Fulton, Hickman, McCracken, 1
- GRAHAM, DREW** (D-Winchester) Clark, Powell, 73
- GRAY, LEONARD** (D-Louisville) Jefferson, 42
- HAMPTON, ELBERT** (R-Artemus) Knox and Laurel, 86
- HANCOCK, C. M. "HANK"** (D-Frankfort) Franklin, 57
- HARPER, KENNETH F.** (R-Crestview Hills) Kenton, 63
- HATCHER, E. PORTER, JR.** (D-Louisville) Jefferson, 43
- HELERINGER, BOB** (R-Louisville) Jefferson, 33
- JENSEN, TOM** (R-London) Laurel, 85
- JOHNSON, E. LOUIS** (D-Owensboro) Daviess, 13
- KEITH, STEPHEN C.** (R-Manchester) Clay, Leslie, Perry, 90
- KERR, THOMAS R.** (D-Taylor Mill) Kenton, 64
- LEAR, WILLIAM M., JR.** (D-Lexington) Fayette, 79
- LEE, JIMMY** (D-Elizabethtown) Hardin, 25
- LeMASTER, JIM** (D-Paris) Bourbon, Fayette, Nicholas, 72
- LEWIS, RICHARD H.** (D-Benton) Caldwell, Lyon, Marshall, 6
- LILE, BILL** (R-Louisville) Jefferson, 28
- LINDSAY, GROSS C.** (D-Henderson) Henderson, 11
- LITTLE, N. CLAYTON** (D-Virgie) Pike, 93
- LONG, MARSHALL** (D-Shelbyville) Henry, Shelby, Trimble, 58
- LYNE, JUNE D.** (D-Olmstead) Logan, Todd, 16
- MAGGARD, JIM** (D-Jackson) Breathitt, Magoffin, Perry, Wolfe, 89
- MARICLE, ALLEN** (R-Pioneer Village) Bullitt, 49
- MARZIAN, MARY LOU** (D-Louisville) Jefferson, 34

ACTIONS OF THE 1994 GENERAL ASSEMBLY

- MASON, PAUL** (D-Whitesburg) Letcher, Perry, 91
McELROY, SAM M. (D-Waverly) Daviess, Henderson, Union, 7
MOBERLY, HARRY JR. (D-Richmond) Madison, 81
MORRIS, H. RAMSEY, JR. (D-Hopkinsville) Christian, Trigg, 8
MULLINIX, RAY (R-Burkesville) Adair, Clinton, Cumberland, Wayne, 53
NAPIER, LONNIE (R-Lancaster) Garrard, Jackson, Lincoln, Madison, Pulaski, 36
NELSON, CHARLES "PREACHER" (D-Bremen) McLean, Muhlenberg, 15
NESLER, FRED (D-Mayfield) Graves, McCracken, 2
NOLAND, CLARENCE D., Jr. (R-Irvine) Estill, Jackson, Lee, Owsley, 84
NORTHUP, ANNE MEAGHER (R-Louisville) Jefferson, 32
NUNN, STEPHEN R. (R-Glasgow) Barren, Metcalfe, 23
PALUMBO, RUTH ANN (D-Lexington) Fayette, 76
RAPIER, KENNY (D-Bardstown) Nelson, Spencer, Washington, 50
RASCHE, FRANK (D-Paducah) McCracken, 3
REINHARDT, JON DAVID (R-Alexandria) Boone, Campbell, Kenton, 69
RICHARDS, JODY (D-Bowling Green) Warren, 20
RIDLEY, J. DORSEY (D-Dixon) Caldwell, Hopkins, McLean, Webster, 12
RIGGS, STEVE (D-Louisville) Jefferson, 31
RINER, TOM (D-Louisville) Jefferson, 41
SANDERS, RICHARD A. "RICHIE", JR. (R-Smiths Grove) Edmonson, Grayson, Hardin, Warren, 19
SCORSONE, ERNESTO (D-Lexington) Fayette, 75
SCOTT, WILLIAM U. (D-Raywick) Hart, LaRue, Marion, Washington, 24
SHACKLETTE, DONNA (D-Louisville) Jefferson, 40
SIMPSON, ARNOLD R. (D-Covington) Kenton, 65
SMITH, BILLY RAY (D-Bowling Green) Simpson, Warren, 21
SMITH, REX (D-Paducah) Crittenden, Livingston, McCracken, 4
STACY, JOHN WILL (D-West Liberty) Magoffin, Menifee, Morgan, Rowan, 71
STENGEL, DAVE (D-Louisville) Jefferson, 29
STUMBO, GREGORY D. (D-Prestonburg) Floyd, Martin, 95
TODD, TOMMY (R-Nancy) Pulaski, 83
TRAPP, LESLIE (D-Lexington) Fayette, 78
TREESH, MARK (R-Philpot) Daviess, 14
TURNER, RICHARD A. (R-Tompkinsville) Allen, Monroe, Simpson, 22
WALTON, CHARLIE (R-Florence) Boone, Kenton, 66
WAYNE, JIM (D-Louisville) Jefferson, 35
WORTHINGTON, PETE (D-Ewing) Bracken, Fleming, Mason, Robertson, 70
YATES, JAMES BERNARD (D-Shively) Jefferson, 44
ZIMMERMAN, JAMES F. (R-LaGrange) Oldham, Trimble, 59

SUBJECT INDEX

ACCOUNTANTS

- CPA, practice requirements omnibus revision
HB 546
- Income Tax, IRC reference update
HB 107
- School district audits
SB 174
- School district audits, advisory committee membership
HB 616

ACTUARIAL ANALYSIS

- CERS, cost-of-living increase
HB 269
- Disability retirees, early retirement penalties
SB 80
- Executive branch budget
HB 302
- Judicial branch budget
HB 301
- KERS, CERS, State Police cost-of-living increases
HB 517
- Legislative & Judicial retirement, transfer of credit
HB 183
- Optional retirement plan, regional universities
HB 405
- Teachers Retirement Credit for Peace Corps Service
SB 81
- Teachers' Retirement, omnibus revisions
HB 685
- Urban-counties, transfer to CERS
HB 738

ADMINISTRATIVE REGULATIONS AND PROCEEDINGS

- Administrative hearings, uniform procedures
HB 334
- Charitable solicitation, regulation of
HB 474
- Corrections, housekeeping bill
HB 459
- Economic impact statement
HB 322
- Environmental audits, limited admissibility of
HB 681
- Fire, removal and going out of business sales, regulation of
HB 787
- Interest on utility customer deposits
HB 318
- Natural Resources & Environmental Protection Cabinet, hearings office
HB 261
- Quadrennial review, repeal of
HB 325
- Statutes, terminology relating to the handicapped, change in
HB 200
- Telephone solicitation, regulation of
HB 710
SB 168
- Trademarks and service marks, registration of
SB 141

AERONAUTICS AND AVIATION

- Aviation Hall of Fame
HJR 3

AGED PERSONS AND AGING

- "Live-in" companions
SB 271
- Age 40 and over, discrimination prohibited because of age
HB 871
- Certificate of need revocation
SB 243
- Living will directives, requirements for
SB 311
- Personal Care Assistance Program, provider
HB 462
- Service agency employee, criminal record check
HB 628

AGRICULTURE

- Ag products, include as industrial material
HB 47
- Agriculture water quality plans, require
SB 241
- Board of
SB 167
- Corn, referendum check-off
HB 347
- Cost-sharing funds for soil erosion control
HB 377
- Cost-sharing funds, purposes
HB 452
- Department of Agriculture, reorganization
SB 161
- Department of, reorganization
SB 159
- Exemption of certain steam boilers from regulation
HB 360
- Fertilizer, licensure in place of registration
HB 482
- Ginseng, penalty
HB 645
- Grain insurance fund, payment of legal expenses
HB 436
- Kentucky Agriculture Resources Development Authority, creation
SB 154
- Linked deposit loan program, creation of
SB 100
- Logo, for Kentucky agricultural products
HB 395
- Office of State Veterinarian, reorganization
SB 160
- Property tax, deferred tax assessment
HB 31
- Purchase of Agricultural Conservation Easement (PACE) Program, creation of
HB 483
- Raitte production, declared an agricultural activity
HB 140
- Seed labeling
HB 733
- Small and farm wineries
HB 569
- Small grains, referendum check-off
HB 348
- Special fuels tax, exemption from
HB 75
- Timber cutting unauthorized, penalty for
HB 6

ACTIONS OF THE 1994 GENERAL ASSEMBLY

AGRICULTURE (Cont'd)

Tobacco Labor Fund, repeal of
HB 18
Tobacco seedlings, regulation of distribution
HB 519
Tobacco stalks, use for research
SB 138

ALCOHOLIC BEVERAGES

City license fee, imposition of
HB 508
Employees of Licensees, ages of
SB 150
Omnibus Crime Bill
HB 390
Revolving trust and agency account, creation of
HB 380
Sales on primary election day only, prohibition of
SB 157
Small and farm wineries
HB 569

ALCOHOLISM

Treatment programs, standards for
HB 555

AMUSEMENTS AND RECREATION

Bicycles, establishment of traffic regulations
SB 237
Exemption of certain steam boilers from regulation
HB 360
Fireworks, regulate sale of
HB 580
Recreational vehicles, require multiyear license
HB 47
Vending machine tax, repeal
HB 122

ANIMALS, LIVESTOCK, AND POULTRY

Ratite production, declared an agricultural activity
HB 140

ANNEXATION

Consent of affected property owners
HB 466

APPROPRIATIONS

Executive branch budget
HB 302
Hospitalization of mentally ill
HB 207
Judicial branch budget
HB 301
Judicial branch budget memorandum
HJR 27
Kentucky Workforce Alliance, Cabinet for Workforce
Development
SB 195
Legislative branch budget
HB 300
Legislative branch budget memorandum
HJR 29
Legislative claims bill
HB 705
Oil and gas, public release of production data
HB 683
Park Capital Maintenance and Renovation Fund
HB 775
Public advocacy, Department of
HB 388

APPROPRIATIONS (Cont'd)

Purchase of Agricultural Conservation Easement
(PACE) Program, creation of
HB 483
State budget process, changes
HB 888
State executive branch budget memorandum
HJR 28

ARBITRATION

Employment rights, preservation of statutory entitle-
ments
SB 331
Employment rights, preservation of statutory entitle-
ments
HB 762

ARCHITECTS

Architectural and engineering services, state
procurement of
HB 242

ARTS AND CRAFTS

Kentucky Center for the Arts, reorganization
HB 258

ATHLETICS

High school, college scholarships, relation to
HB 490
Sports agents, regulation of
HB 713
Weapons, possession on school property
HB 312

ATTORNEY GENERAL

Bait advertising, Attorney General may prosecute
SB 89
Constitutional amendment ballot question, preparation
of
SB 185
Consumer protection, regulation of telephone solicit-
ation
HB 710
SB 168
Declaration of election crisis, petition for
SB 281
Enforcement of transient merchant laws, duties to
include
HB 222
Executive branch budget
HB 302
Interlocal agreements, review of
SB 343
Juvenile Sexual Offender Advisory Board
HB 96
Losses, indemnification for
SB 39
Medicaid fraud and abuse prosecution
HB 127
Medicaid fraud prosecution
SB 37
Multidisciplinary Commission on Child Sexual Abuse,
creation of
HB 190
Open records law, role in administration of
HB 64
Prosecutorial duties, sharing of
SB 186
School district audits, advisory committee membership
HB 616

ACTIONS OF THE 1994 GENERAL ASSEMBLY

ATTORNEY GENERAL (Cont'd)

State executive branch budget memorandum
HJR 28

ATTORNEY, COMMONWEALTH'S

Campaign finance violations, referral of
SB 245
Child abuse investigation, CHR report
HB 479
Losses, indemnification for
SB 39
Prosecutorial duties, sharing of
SB 186
Victim advocate
HB 95

ATTORNEY, COUNTY

Assistants, residency requirements
SB 234
Bait advertising, Attorney General may prosecute
SB 89
Campaign finance violations, referral of
SB 245
Child abuse investigation, CHR report
HB 479
Child sexual abuse investigations
HB 95
Cold check fee, disposition of
SB 153
Delinquent tax collection duties
HB 309
Losses, indemnification for
SB 39
Prosecutorial duties, sharing of
SB 186

ATTORNEYS

Adoption
HB 191
Disability proceedings, fee
HB 929
State bond issuance, hiring participants in
HB 299
Workers' compensation, omnibus revision
HB 928

AUDITOR OF PUBLIC ACCOUNTS

Architectural and engineering services, state procurement of
HB 242
Civil rights law implementation plans, compliance audits
SB 248
School district audits, advisory committee membership
HB 616

AUDITS AND AUDITORS

Executive branch budget
HB 302
School district audits, accounts, qualifications
SB 174
State Interagency Council for Children with Disabilities
HB 152

BANKS AND FINANCIAL INSTITUTIONS

Electronic fund transfer, tax payments
HB 80
Escheats, property considered abandoned after 5 years
HB 79
KHC use of private mortgage insurance

BANKS AND FINANCIAL INSTITUTIONS (Cont'd)

HB 234
Linked deposit loan program, creation of
SB 100
Mortgage loan companies, regulation of
HB 855
Reorganization of Department of Financial Institutions
SB 78
State bond issuance, hiring participants in
HB 299

BLIND OR DEAF PERSONS

Deaf or hard of hearing, higher education support services
HB 458
Kentucky Industries for the Blind, eventual privatization of
HB 579
Statutes, terminology relating to the handicapped, change in
HB 200
Telecommunication devices for the deaf, distribution of
HB 538
Workforce Development Cabinet, reorganization, Order 93-593
SB 93

BOATS AND BOATING

Division of Water Patrol, Transfer to Department of Fish and Wildlife
SB 128
State-owned, insurance coverage for
HB 744

BONDS, PUBLIC

Board of education occupying building, payment for
HB 308
Capital projects committee, power to seek injunctions
HB 52
Convention facility expansion in counties containing a city of the 1st
HB 741
Infrastructure financing by counties
HB 243
Refunding bonds for city floating debt
HB 239
Reporting and authorization requirements
SB 22
State bond issuance, hiring participants in
HB 299

BUDGET AND FINANCIAL ADMINISTRATION

Architectural and engineering services, state procurement of
HB 242
Bonds, reporting and authorization requirements
SB 22
Capital projects, definition of
HB 72
Delegation of small purchasing authority, removal of upper limits
HB 742
Executive branch budget
HB 302
Finance and Administration Cabinet, duties of
HB 166
Judicial salaries, setting of
HB 339
Legislative claims bill
HB 705

ACTIONS OF THE 1994 GENERAL ASSEMBLY

BUDGET AND FINANCIAL

ADMINISTRATION (Cont'd)

- Office or other space, state lease of
HB 88
- Old Central State Hospital property, use and disposition of
SB 225
- Reorganization, Finance and Administration Cabinet
HB 267
- State bond issuance, hiring participants in
HB 299
- State budget process, changes
HB 888
- State leased space and offices, changes to
HB 93
- State leases, consolidation of
SB 45
- State purchases, regulation of
SB 44

CAMPAIGN FINANCE

- Campaign finance laws, violation of
SB 245
- Candidates for Governor and Lieutenant Governor, public funding for
HB 355
- Registry of Election Finance, reorganization order 93-29
HB 259

CAPITAL CONSTRUCTION

- Capital project and capital outlay, definitions
HB 166
- Capital projects committee, power to seek injunctions
HB 52
- Court of Justice construction, payment for
HB 568
- Definition of
HB 72
- Executive branch budget
HB 302
- School facilities tax levy, additional amount
HB 810

CEMETERIES AND BURIALS

- Abandoned cemetery lots
HB 14
- Cemeteries and burials
SB 137

CHARITABLE ORGANIZATIONS AND INSTITUTIONS

- Charitable gaming, regulation of
HB 206

CHILDREN AND MINORS

- Abortion, consent to, required parties
SB 136
- Adoption
HB 191
- Assault on staff by juvenile delinquent
SB 337
- Attention deficit disorders, students with
HB 893
- Child support, medical
HB 643
- Children with disabilities
HB 826
- Commission for Handicapped Children, name change
HB 200
- Custody upon commitment to CHR

CHILDREN AND MINORS (Cont'd)

- HB 570
- Day care centers, corporal punishment, prohibition
SB 67
- Family Resources and Youth Service Centers
SB 53
- Fireworks, regulate sale of
HB 580
- Handgun, possession by juvenile
HB 359
- Infants and toddlers with disabilities, early intervention
HB 408
- Juvenile Code, investigation of abuse, report
HB 479
- Juvenile Code, permanency
HB 494
- Juvenile Code, permanency planning for
SB 222
- Juvenile Sexual Offenders
HB 96
- Juvenile court hearings
HB 205
- Kentucky Children's Initiative, continued work of
HCR 63
- Nonpayment of support, denial of motor vehicle privileges
HB 311
- Omnibus Crime Bill
HB 390
- Primary program curriculum on preventing kidnapping
HB 499
- Primary program, alternative
HB 187
- School breakfast program
HB 632
- School day
HB 68
- Seat belts, use required
HB 215
- Sex offender registration system, creation of
SB 43
- Sexual abuse prevention awareness campaign
SB 86
- Sexual abuse, multidisciplinary team members
HB 223
- Sexual abuse, state multidisciplinary commission
HB 190
- Sexual misconduct by professionals
HB 115
- SB 107
- Sexual offenses
SB 172
- State Interagency Council for Children with Disabilities, regulatory authority
HB 152
- Support enforcement, modifications
HB 472
- Victim advocate in Commonwealth's attorney offices
HB 95
- Visitation by grandparents
SB 278
- Weapons, possession on school property
HB 312
- Youth alternative centers
HB 656

CIRCUIT CLERKS

- Judicial branch budget
HB 301

ACTIONS OF THE 1994 GENERAL ASSEMBLY

CIRCUIT CLERKS (Cont'd)

- Raise fees for issuing drivers licenses and permits
HB 539
- Sex offender registration system, creation of
SB 43
- Voter registration applications, completion of
SB 262

CITIES

- Air pollution control districts, procedures, standards, and appeals
HB 484
- Alcoholic beverage sales on primary election day only, prohibition of
SB 157
- Codes of ethics, requirement for cities and counties
HB 238
- Complaints against police officers
HB 414
- Consent annexation
HB 466
- Constitutional amendment, structure and function
SB 256
- Contractors, compliance with laws
SB 258
- Contracts, prohibition against holding by officials
HB 875
- County board of assessment appeals, member appointed
HB 307
- Court of Justice construction, payment for
HB 568
- Defense of employee in tort action
HB 565
- Environmental permit fees, delete exemption for public facilities
HB 379
- Investment options
SB 199
- LRC report on financial condition, deletion
HB 185
- LRC study-differences between classes of cities
HCR 47
- License fee, imposition of
HB 508
- Liens, valid for ten years
HB 913
- Police jurisdiction--4th class cities
SB 4
- Property tax on railroad carlines
HB 113
- Public ways, procedure for closing
HB 651
- Railroads and highway crossings, gating and closing
SB 146
- Refunding bonds for city floating debt
HB 239

CITIES, CLASSIFICATION

- Hurstbourne Acres, Jefferson County, 6th to 5th class
SB 303
- Indian Hills-Cherokee, 6th to 5th
SB 120

CITIES, FIRST CLASS

- Boards and commissions, appointment of
HB 123
- CERS, hazardous coverage, paramedics and EMTs
HB 357
- Transient room taxes
HB 741

CITIES, FOURTH-SIXTH CLASS

- Abandoned cemetery lots in counties with cities of fourth class
HB 14
- Police jurisdiction--4th class cities
SB 4
- Volunteer fire departments, certification
HB 4

CITIES, SECOND CLASS

- Board of health, membership
SB 180
- Nuisance code, authorize enactment
HB 912
- Pension fund boards of trustees
HB 788
- Police and firefighter survivor benefits
HB 505

CIVIL ACTIONS

- Environmental audits, limited admissibility of
HB 681
- Federal Correctional Institution, Manchester, concurrent jurisdiction
HB 3
- Indigents, civil legal services for
HB 929
- Medicaid, third-party recovery
HB 798
- Rendering medical care without compensation, liability
HB 36
- Suicide, assisting
HB 276
- Timber cutting unauthorized, penalty for
HB 6

CIVIL PROCEDURE

- Disability proceedings, fee for appointed counsel
HB 929

CIVIL RIGHTS

- 1964 federal law, Title VI implementation
SB 248
- Boards and commissions, minorities
SB 367
- Complaints against police officers
HB 414
- Conformity with Americans with Disabilities Act
HB 871
- Employees, rights, preservation of statutory entitlements
HB 762
- Employment rights, preservation of statutory entitlements
SB 331
- Minority representation on superintendent screening committees
HB 46
- Sham company for highway construction
SB 55
- Terminology relating to the handicapped, change in
HB 417

CLAIMS

- Fiscal court members, claims against the state
HB 571
- Limits regarding city actions
HB 239

ACTIONS OF THE 1994 GENERAL ASSEMBLY

CLERGY

Religious groups with no clergy, marriage procedures
HB 576

COAL

Coal Marketing and Export Council created
SB 74
Coal combustion by-products disposal
SB 266
Electricity, use at mines, requirements, revision
HB 526
Emergency medical technician, employment at mines
HB 776
Energy recovery funds, qualification for distribution
SB 214
Mine reports, timing, change
HB 527
Mining violations, penalties for
HB 618
Mining, major permit revision
HB 707
Penalties, task force for interim study
HJR 81
Property tax assessment of
HB 84
Remining of surface mining operations
SB 208
Safe conditions, miner working in
HB 528
Surface coal miners, training requirement
HB 529
Surface mining hearings and definitions
SB 249
Water supply replacement during mining
HB 338
Workers' compensation, omnibus revision
HB 928

COMMENDATIONS AND RECOGNITIONS

Monroe County, the Commonwealth, the Marble
Capital of
HCR 49

COMMERCE

Alcoholic beverage sales on primary election day only,
prohibition of
SB 157
Coal Marketing and Export Council created
SB 74
Economic environs of riverport authority, definition of
HB 512
Employees of alcoholic beverages licensees, ages of
SB 150
Federal Empowerment Zones & Enterprise Commu-
nities, Bell Co., Kentucky
HCR 90
Federal empowerment zones and enterprise com-
munities, study of
HCR 74
Legal work day increased to ten hours
HB 719
Local industrial development authority
SB 346
State economic development programs, revisions to
HB 511
Telephone solicitation, regulation of conduct
SB 168
Women owned businesses, study of
SJR 68

COMMERCE (Cont'd)

Workforce training, business tax credit
SB 195

COMMITTEES

Cap. Proj. and Bond Over. Com., state lease oversight
HB 88

COMMON CARRIERS

Intrastate haulers, deregulation of
SB 33

COMMUNICATIONS

Information highway, state contracts for
HB 900
Telecommunication devices for the deaf, distribution of
HB 538
Video teleconferences, applicability of open meeting
law
HB 315

CONFIRMATION OF APPOINTMENTS

Beach, Charles III
HCR 38
Bingham, Barry Jr.
HCR 42
HCR 96
Callico, Forrest Wayne, M.D.
HCR 43
Cook, Paul B.
HCR 39
Douglass, Janice K.
HCR 24
Gish, Thomas Edward
HCR 104
Griffin, Betty Sue
HCR 35
Hellard, Vic. Jr.
HCR 34
Kelly, Joseph W.
HCR 100
Ladt, Frederick C.
HCR 25
Mann, Henry M.
HCR 95
McCowan, Robert T.
HCR 33
Miller, Penny M.
HCR 40
Mountjoy, Helen W.
HCR 101
Pope, Margaret
HCR 102
Riehm, Joan
HCR 36
Robinson, Samuel
HCR 37
Sexton, Robert F.
HCR 41
True, Craig
HCR 99
Venters, Jane Adams
HCR 103

CONFLICT OF INTEREST

Candidates for Gen. Assembly, statements of financial
interests
HB 891

ACTIONS OF THE 1994 GENERAL ASSEMBLY

CONSTITUTION, KY.

- Organization and function of local governments
SB 256
- Publication of proposed amendment, delete requirement
for
SB 185

CONSUMER AFFAIRS

- Board of health, lay member
SB 180
- Charitable solicitation, regulation of
HB 474
- Consumer affairs
HB 469
- Fire, removal and going out of business sales, regulation of
HB 787
- Interest on utility customer deposits
HB 318
- Intrastate motor carriers, deregulation of
SB 33
- Limitations on backbilling by public utilities
HB 316
- Telephone solicitation, regulation of
HB 710
- Telephone solicitation, regulation of conduct
SB 168
- Trademarks and service marks, registration of
SB 141
- Transient merchant laws, enforcement of
HB 222
- Utility, energy conservation and demand side management programs
HB 501
- Water and sanitation districts, hearing procedures
HB 186

CONTRACTS

- Burial rights in cemetery lots
HB 14
- Cities, officials prohibited from holding
HB 875
- Legal work day increased to ten hours
HB 719
- Sealed bids, announce engineers estimate when opened
HB 889
- Sports agents, regulation of
HB 713
- Waiver of employer's remedies to secure, prohibition
SB 284

COOPERATIVES

- Bribery, forfeiture of corporate charter for
SB 47

CORPORATIONS

- Bribery, forfeiture of corporate charter for
SB 47
- Businesses, limit liability of
SB 184
- Fines for felony, when corporations not included
HB 158
- Income Tax, IRC reference update
HB 107
- Income tax, statute of limitations
HB 297
- Transfer of utility, approval required
HB 319

CORRECTIONS AND CORRECTIONAL FACILITIES, STATE

- Assault on staff by juvenile delinquent
SB 337
- Corrections, housekeeping bill
HB 459
- Executive branch budget
HB 302
- Omnibus Crime Bill
HB 390
- Reorganization, boards and commissions
HB 268
- Sex offender registration system, creation of
SB 43
- State executive branch budget memorandum
HJR 28
- Youth alternative centers
HB 656

CORRECTIONS IMPACT

- Assault on staff by juvenile delinquent
SB 337
- Bait advertising, Attorney General may prosecute
SB 89
- Bribery, providing a pecuniary benefit for
SB 47
- Controlled substances offenses
HB 358
- Corrections, housekeeping bill
HB 459
- Criminal defendant, blood test, when necessary
HB 232
- Decriminalization of mentally ill
HB 207
- Election law, violation of
SB 281
- Handgun, possession by juvenile
HB 359
- Medicaid fraud and abuse prosecution
HB 127
- Motor vehicle insurance, failure to have, increase of penalty
HB 71
- Murder, aggravating circumstances
HB 546
- Omnibus Crime Bill
HB 390
- Parole Board, nomination process and voting procedures
SB 213
- Public advocacy, Department of
HB 388
- Receiving stolen property, firearms
HB 231
- School property, reporting crimes on or near schools
SB 112
- Seat belts, use required
HB 215
- Sexual offenders, probation and conditional release
HB 96
- Suicide, assisting
HB 276
- Weapons, possession on school property
HB 312
- Youth alternative centers
HB 656

COUNTIES

- Air pollution control districts, procedures, standards, and appeals
HB 484

ACTIONS OF THE 1994 GENERAL ASSEMBLY

COUNTIES (Cont'd)

Alcoholic beverage sales on primary election day only, prohibition of
SB 157

Assistant county attorneys, residency
SB 234

Clay and Leslie, state senatorial districts
SB 348

Codes of ethics, requirement for cities and counties
HB 238

Community improvement districts, creation of
SB 140

Complaints against police officers
HB 414

Contractors, compliance with laws
SB 258

Corrections, housekeeping bill
HB 459

County clerk fee increases
HB 647

County plows, authorize to clear state roads
HB 814

Court of Justice construction, payment for
HB 568

Defense of employee in tort action
HB 565

Economic development, including workforce training
HB 74

Election administration, training in
SB 281

Energy recovery funds qualification for distribution
SB 214

Environmental permit fees, delete exemption for public facilities
HB 379

Fire districts, creation of
SB 87

Fire protection subdistrict
HB 398

Infrastructure financing
HB 243

Investment options
SB 199

LRC report on financial condition, deletion
HB 185

Libraries, foundation grants
SB 158

License fees on auto rental firms
HB 622

Liens, valid for ten years
HB 913

Multi-county sanitation districts, consolidation
SB 255

Police merit board hearings
SB 188

Police merit system, civilians exempted
SB 187

Property tax on railroad carlines
HB 113

Railroads and highway crossings, gating and closing
SB 146

Real estate transfer tax exemption, trusts
HB 157

Training requirements for bailiffs
HB 58

Volunteer fire departments, certification
HB 4

COUNTIES OF 75,000 OR MORE

Transient room taxes
HB 741

COUNTIES WITH CITIES OF THE FIRST CLASS

CERS, hazardous coverage, paramedics and EMTs
HB 357

Donations to public library
HB 45

Transient room taxes
HB 741

COUNTIES WITH CITIES OF THE SECOND CLASS

Board of health, membership
SB 180

COUNTIES WITH CITIES OF THE THIRD THROUGH SIXTH CLASS

Community improvement districts, creation of
SB 140

COUNTIES, URBAN

Codes of ethics, requirement for cities and counties
HB 238

Liens, valid for ten years
HB 913

Police & firefighters retirement age
HB 890

Police and firefighters, transfer to CERS
HB 738

Safety officer citations
HB 401

COUNTY CLERKS

Absentee voting procedures, revision of
SB 281

Application for fire, removal and going out of business sales, scope
HB 787

Disposition of voter registration, notice of
SB 262

Fee increases
HB 647

Fee, filing of candidacy for soil and water conservation board
HB 294

Fish and wildlife license and permits
HB 387

Library donations, collection of
HB 45

Marriage certificates, religious groups with no clergy
HB 576

Motor vehicle license and registraropm denial for nonpayment of child support
HB 311

Motor vehicle titles, branding of
HB 225

Motor vehicles, dealer transfer of title
SB 106

Real estate transfer tax exemption, trusts
HB 157

Real estate, ownership and conveyance of
HB 553

Transfer of motor vehicles, payment of taxes due
HB 40

ACTIONS OF THE 1994 GENERAL ASSEMBLY

COUNTY JUDGE/EXECUTIVES

County board of assessment appeals, member appointed
HB 307
County plows, authorize to clear state roads
HB 814
Sheriff's bond, may require
HB 81

COURT OF APPEALS

Judicial branch budget
HB 301
Judicial branch budget memorandum
HJR 27
Judicial salaries, setting of
HB 339

COURT, SUPREME

Judicial branch budget
HB 301
Judicial branch budget memorandum
HJR 27
Judicial salaries, setting of
HB 339
Multidisciplinary Commission on Child Sexual Abuse,
creation of
HB 190
State budget process, changes
HB 888

COURTS

Child support, enforcement, modifications
HB 472
Court of Justice construction, payment for
HB 568
Indigents, civil legal services for
HB 929
Interpreters, qualifications
SB 319
Judicial branch budget
HB 301
Judicial branch budget memorandum
HJR 27
Sex offender registration system, creation of
SB 43
Sexual offenders, probation and conditional release
HB 96

COURTS, CIRCUIT

Air pollution control districts, procedures, standards,
and appeals
HB 484
Cemetery lots, declaration of abandonment
HB 14
Child support nonpayment, denial of motor vehicle
license and registration
HB 311
Child support, enforcement, modifications
HB 472
Complaints against police officers
HB 414
Court appointment of receiver, abandoned utilities
HB 421
Judicial branch budget
HB 301
Judicial branch budget memorandum
HJR 27
Judicial salaries and filing fees, setting of
HB 339
Omnibus Crime Bill
HB 390

COURTS, CIRCUIT (Cont'd)

Prosecutorial duties, sharing of
SB 186
Surface mining hearings and definitions
SB 249
Training requirements for bailiffs
HB 58

COURTS, DISTRICT

Child custody upon commitment to CHR
HB 570
Child support, enforcement, modifications
HB 472
Judicial branch budget
HB 301
Judicial branch budget memorandum
HJR 27
Judicial salaries and filing fees, setting of
HB 339
Jurisdiction, committed dependent children
HB 494
SB 222
Juvenile court hearings
HB 205
Medical Review Board, establishing
SB 205
Omnibus Crime Bill
HB 390
Prosecutorial duties, sharing of
SB 186
Training requirements for bailiffs
HB 58

COURTS, FISCAL

County board of assessment appeals, member appointed
HB 307
Fire districts, creation of
SB 87
Fire protection subdistrict
HB 398
Hospital taxing districts, tax rate approval by fiscal
court
HB 400
Jefferson County, appointment to Central State
Hospital, Recovery Authority
SB 225
Members, claims against the state
HB 571
Railroads and highway crossings, gating and closing
SB 146

CRIME VICTIMS

Advocate in Commonwealth's attorney offices
HB 95
Cold check fee, disposition of
SB 153
Multidisciplinary Commission on Child Sexual Abuse,
creation of
HB 190
Omnibus Crime Bill
HB 390
Service agency employee, criminal record check
HB 628
Sexual misconduct by professionals
HB 115
SB 107
Sexual offenses
SB 172

ACTIONS OF THE 1994 GENERAL ASSEMBLY

CRIMES AND PUNISHMENTS

Adoption
HB 191
Alcoholic beverage sales on primary election day only, prohibition of
SB 157
Assault on staff by juvenile delinquent
SB 337
Bait advertising, Attorney General may prosecute
SB 89
Bribery, providing a pecuniary benefit for
SB 47
Cold check fee, disposition of
SB 153
Controlled substances offenses
HB 358
Corrections, housekeeping bill
HB 459
Criminal defendant, blood test, when necessary
HB 232
Federal Correctional Institution, Manchester, concurrent jurisdiction
HB 3
Fines for felony, when corporations not included
HB 158
Handgun, possession by juvenile
HB 359
Juvenile court hearings
HB 205
Kidnapping prevention, school program to include instruction on
HB 499
Murder, aggravating circumstances
HB 546
Omnibus Crime Bill
HB 390
Oppose federal mandate to revoke driver's license of drug offender
SJR 13
Parole release and eligibility standards, changes in
SB 213
Public advocacy, service fees for
HB 388
Receiving stolen property, firearms
HB 231
Retaliating against a juror
SB 29
School property, reporting crimes on or near schools
SB 112
Seat belts, use required
HB 215
Sex offender registration system, creation of
SB 43
Sexual offenders, probation and conditional release
HB 96
Sexual offenses
SB 172
Sham company for highway construction
SB 55
Sports agents, regulation of
HB 713
Suicide, assisting
HB 276
Timber cutting unauthorized, penalty for
HB 6
Weapons, possession on school property
HB 312
Youth alternative centers
HB 656

CRIMINAL PROCEDURE

Adoption
HB 191
Assault on staff by juvenile delinquent
SB 337
Bait advertising, Attorney General may prosecute
SB 89
Bribery, providing a pecuniary benefit for
SB 47
Cold check fee, disposition of
SB 153
Controlled substances offenses
HB 358
Corrections, housekeeping bill
HB 459
Criminal defendant, blood test, when necessary
HB 232
Environmental audits, limited admissibility of
HB 681
Federal Correctional Institution, Manchester, concurrent jurisdiction
HB 3
Fines for felony, when corporations not included
HB 158
Handgun, possession by juvenile
HB 359
Juvenile court hearings
HB 205
Murder, aggravating circumstances
HB 546
Omnibus Crime Bill
HB 390
Prosecutorial duties, sharing of
SB 186
Public advocacy, service fees for
HB 388
Receiving stolen property, firearms
HB 231
Retaliating against a juror
SB 29
Seat belts, use required
HB 215
Sex offender registration system, creation of
SB 43
Sham company for highway construction
SB 55
Suicide, assisting
HB 276
Weapons, possession on school property
HB 312
Youth alternative centers
HB 656

DATA PROCESSING

Dept. of Information Systems, fees for services
HB 573
Information Systems, reorganization
SB 76
Ky. Info. Resources Management Commission, membership and duties
HB 56
Office of Geographic Information, creation of
HB 48
Open records law, format of public record, procedures
HB 64

DEATHS

Deaths
SB 137

ACTIONS OF THE 1994 GENERAL ASSEMBLY

DEEDS AND CONVEYANCES

Old Central State Hospital property
SB 225

DISABILITIES AND THE DISABLED

Attention deficit disorders, students with
HB 893
Attorney's fees for disability proceedings
HB 929
Children with disabilities
HB 826
Court-appointed interpreters
SB 319
Deaf or hard of hearing, higher education support services
HB 458
Deaf, telecommunications devices for the
HB 538
Definitions for employment purposes
HB 871
Infants, toddlers, and their families, early intervention
HB 408
KERS disability retirees, early retirement penalties
SB 80
Kentucky Industries for the Blind, eventual privatization of
HB 579
Personal Care Assistance Program, provider
HB 462
Statutes, terminology relating to the handicapped, change in
HB 200
Terminology relating to the handicapped, change in
HB 417
Visually impaired
SB 27

DISASTERS

Relief activities, state employees, participation in
HB 712

DISEASES

Criminal defendant, blood test, when necessary
HB 232

DISTILLED SPIRITS

License fee, imposition of
HB 508
Retail license, use of fees derived from
HB 380

DOGS

Rabies immunizations, fees
HB 652

DOMESTIC RELATIONS

Child support, enforcement, modifications
HB 472
Individual income tax, innocent spouse relief
HB 121
Marriage and family therapists, regulation of
SB 246
Sexual abuse prevention awareness campaign
SB 86
Visitation and financial support of grandchildren by grandparents
SB 278

DRUGS AND MEDICINES

Controlled substances offenses

DRUGS AND MEDICINE (Cont'd)

HB 358
Omnibus Crime Bill
HB 390
Taxation of illegal substances
HB 171
Treatment programs, standards for
HB 555

ECONOMIC DEVELOPMENT

Agribusiness, Cabinet for Economic Development programs available
HB 483
Airline industry study
HJR 82
Cabinet, reorganization
HB 260
Coal Marketing and Export Council created
SB 74
Economic environs of riverport authority, definition of
HB 512
Executive branch budget
HB 302
Federal Empowerment Zones & Enterprise Communities, Bell Co., Kentucky
HCR 90
Federal empowerment zones and enterprise communities, study of
HCR 74
Flat Woods Project area, Federal Empowerment Zone designation
HCR 53
Kentucky Forest Products Council
HB 420
Kentucky Infrastructure Authority, revisions
HB 760
Kentucky Workforce Alliance, creation of
SB 195
Local industrial development authority
SB 346
Public assistance recipients, small business development project
HJR 91
Quicksand Wood Utilization Center
HB 561
State economic development programs, revisions to
HB 511
Workforce training
HB 74
Workforce training, study of
SCR 86

EDUCATION, ELEMENTARY AND SECONDARY

Acad. deficient students, prohibition upon use of driving record
HB 125
Allow removal of school council parent members
HB 91
Attention deficit disorders, students with
HB 893
Board, appointment, Robinson, Samuel
HCR 37
Board of education occupying building, payment for
HB 308
Children with disabilities
HB 826
Class size
HB 328
Classified employees, written contracts and policies for
HB 50

ACTIONS OF THE 1994 GENERAL ASSEMBLY

**EDUCATION, ELEMENTARY
AND SECONDARY (Cont'd)**

Conflict of interest, pecuniary interest with school district
SB 174
Department of Education, elementary teachers, strategies to assist
HJR 62
Department of Education, reorganization, EO 93-542 and 93-689
SB 92
Education, Arts & Humanities Cabinet, creation of Development Off.
SB 70
Executive branch budget
HB 302
Experience, definition for SEEK
HB 336
SB 133
Facilities
HB 830
Facilities planning process, study of
SJR 82
Family Resources and Youth Service Centers
SB 53
Governor's Scholars Program, reorganization
HB 258
High school athletics, college scholarships, relation to
HB 490
Infants and toddlers with disabilities, early intervention
HB 408
Interlocal agreements, to meet school goals
SB 343
KERA Evaluation Board, creation of
HB 256
Local Superintendents Advisory Council
SB 314
Minority representation on superintendent screening committees
HB 46
SB 15
Minority teacher recruitment
SB 131
Omnibus Crime Bill
HB 390
Primary program curriculum on preventing kidnapping
HB 499
Primary program, alternative
HB 187
Professional development
HB 211
SB 162
Public school officers, removal of
SB 88
Records, confidentiality and release
HB 176
Religious affiliation, prohibit required disclosure of
HB 35
Relocation, utility lines by district, state to pay
SB 147
Reporting crimes on or near schools
SB 112
School and district planning and reporting, study of
SCR 84
School breakfast program
HB 632
School calendar, inclement weather
SB 242
School councils, membership
SB 51

**EDUCATION, ELEMENTARY
AND SECONDARY (Cont'd)**

School day
HB 68
School employees, fringe benefits
SB 148
School-based decision making
HB 327
School-based decision making committees
SB 206
Sexual misconduct by professionals
HB 115
SB 107
Speech-language pathologists in schools
HB 51
State board, appointment, Gish, Thomas Edward
HCR 104
State board, appointment, Kelly, Joseph W.
HCR 100
State board, appointment, Mountjoy, Helen W.
HCR 101
State board, appointment, Pope, Margaret G.
HCR 102
State board, appointment, True, Craig
HCR 99
State board, appointment, Venters, Jane Adams
HCR 103
State executive branch budget memorandum
HJR 28
Student's reapplication for driver's license
HB 533
Superintendent, appointment of self
SB 50
Superintendents, screening committees, time of appointment
SB 132
Superintendents, training and assessment
HB 49
Tax levy for school facilities, additional amount
HB 810
Teacher Certification
HB 442
Teachers' loans and scholarships
SB 24
Weapons, possession on school property
HB 312
Workforce Development Cabinet, reorganization, Order 93-593
SB 93
Workforce training, school-to-work transition
SB 195
Year-round school calendars, promotion of
HJR 66

EDUCATION, FINANCE

Audits, conducted by Office for School District Audits
HB 616
Board of education occupying building, payment for
HB 308
College access program grants
SB 12
Facilities
HB 830
Facilities planning process, study of
SJR 82
Funding program, definition of teacher's credit for experience
HB 336
SB 133

ACTIONS OF THE 1994 GENERAL ASSEMBLY

EDUCATION, FINANCE (Cont'd)

Kentucky Workforce Alliance, creation of
SB 195
Property tax on railroad carlines
HB 113
School employees, fringe benefits
SB 148
Student loans
SB 13
Tax levy for school facilities, additional amount
HB 810

EDUCATION, HIGHER

College access program grants
SB 12
Council on higher education membership
HB 33
Deaf or hard of hearing, support services
HB 458
Executive branch budget
HB 302
Governing boards, nonteaching employees representation
HB 154
Higher Education Nominating Committee, appointment, Bingham, Barry Jr.
HCR 42
Kentucky Workforce Alliance, creation of
SB 195
Nominating Committee, appointment, Bingham, Barry J.
HCR 96
Nominating Committee, appointment, Mann, Henry M.
HCR 95
Optional retirement plan, regional universities
HB 405
Private colleges, interlocal agreements
SB 343
Records, confidentiality and release
HB 176
Speech-language pathologists in schools
HB 51
St.Bd. for Adult and Technical Education, and Workforce Dev. Cab.
SJR 10
State executive branch budget memorandum
HJR 28
Student loans
SB 2
SB 13
Teachers' loans and scholarships
SB 24
U of L equine industry program, funding for
HB 386

EDUCATION, VOCATIONAL

Executive branch budget
HB 302
Kentucky Workforce Alliance, creation of
SB 195
Naming of D.H. Anderson Technical Building
SJR 10
Records, confidentiality and release
HB 176
Reporting crimes on or near schools
SB 112
State executive branch budget memorandum
HJR 28
Workforce Development Cabinet, omnibus revisions
SB 305

EDUCATION, VOCATIONAL (Cont'd)

Workforce Development Cabinet, reorganization, Order 93-593
SB 93
Workforce training, study of
SCR 86

EFFECTIVE DATES, DELAYED

Ophthalmic dispensers, regulation of
HB 485
Severance and minerals taxes, transportation expense
HB 337

EFFECTIVE DATES, EMERGENCY

CERS, cost-of-living increase
HB 269
Candidates for Gen. Assembly, statements of financial interests
HB 891
City refunding bonds
HB 239
Federal Correctional Institution, Manchester, concurrent jurisdiction
HB 3
Federal empowerment zones and enterprise communities, study of
HCR 74
Fuel quality, state testing program fees
HB 135
IRC reference update
HB 107
Income tax, statute of limitations
HB 297
Job Train. & Partnership Act, transfer to Cab. for Workforce Development.
SB 195
Judicial salaries and fees, setting of
HB 339
Legislative claims bill
HB 705
Parole Board terms, restagging of
SB 213
Revenue Cabinet, reorganization
HB 488
School calendar, inclement weather
SB 242
Seed labeling
HB 733
Superintendent screening committee
HB 46
SB 15
Teachers' Retirement, omnibus revisions
HB 685
Tobacco seedlings, regulation of distribution
HB 519
Workers' compensation, omnibus revision
HB 928

EFFECTIVE DATES, RETROACTIVE

Candidates for Gen. Assembly, statements of financial interests
HB 891
General Assembly, session exp. allowance, reduction, January 1, 1994
SB 10
KERS disability retirees, early retirement penalties
SB 80
Priority for tax credits, establishment of
HB 310

ACTIONS OF THE 1994 GENERAL ASSEMBLY

EFFECTIVE DATES, RETROACTIVE (Cont'd)

- State economic development inducements, revisions
HB 511
- Workers' compensation, certain changes
HB 928

ELECTIONS AND VOTING

- Alcoholic beverage sales on primary election day only, prohibition of
SB 157
- Candidate nomination papers, revision of
SB 245
- Candidates for Governor and Lieutenant Governor, public funding for
HB 355
- Election fraud, prevention of
SB 281
- National Voter Registration Act of 1993, implementation of
SB 262
- Registry of Election Finance, reorganization order 93-29
HB 259
- Vacancy in unopposed candidacy, party nominations to fill
SB 1

ELECTRICIANS

- Electricity, use at mines, requirements, revision
HB 526
- Local cooperative agreements and examinations
HB 649

EMERGENCY MEDICAL SERVICES

- Fire protection subdistrict
HB 398
- Lead agency for emergency medical services
HB 646

ENERGY

- Motor fuel-testing program
HB 135
- Resources, property tax assessment of
HB 84

ENGINEERS AND SURVEYORS

- Architectural and engineering services, state procurement of
HB 242

ENVIRONMENT AND CONSERVATION

- Agriculture water quality plans, require
SB 241
- Air emission fees, revision of
HB 379
- Chemical munitions disposal facility, disposal of other waste
HB 650
- Clean up standards, establishment of
HB 481
HB 664
- Coal combustion by-products disposal
SB 266
- Cost-sharing funds for soil erosion and water pollution control
HB 377
- Environmental audits, limited admissibility of
HB 681
- Environmental offenses, penalty
HB 158

ENVIRONMENT AND CONSERVATION (Cont'd)

- Funds for classroom instruction and chemical disposal program
HB 452
- Ginseng, penalty
HB 645
- Kentucky Heritage Land Conservation Fund Board, changes to
HB 368
- Lead hazard reduction; licensure of
SB 289
- Mussels, revise Fish and Wildlife Department authority over
HB 385
- Newspapers, require recycled content
HB 282
- Oil and gas drilling reclamation
HB 591
- Petroleum storage tank fund fee, increase
HB 402
- Plant protection
HB 349
- Pollution prevention through hazardous and toxic reductions
SB 268
- Solid waste revolving fund, narrowed use of
HB 284
- Surface mine re-mining
SB 208
- Transportation Cabinet, reorganization, EO 93-1149
HB 266
- Utility, energy conservation and demand side management programs
HB 501
- Waste tire disposal restrictions, revision of
HB 399
- Water quality, Section 401 certification
HB 633
- Water supply replacement during mining
HB 338
- Wildlife income tax check off, amendment
HB 218

ESCHEATS

- Property considered abandoned after 5 years
HB 79

EXPLOSIVES

- Fireworks, regulate sale of
HB 580
- Underground facilities damage prevention
HB 613
- Weapons, possession on school property
HB 312

FEDERAL LAWS AND REGULATIONS

- Clean Air Act, air pollution control district's use of standards
HB 484
- Federal Correctional Institution, Manchester, concurrent jurisdiction
HB 3
- Flat Woods Project area, Federal Empowerment Zone designation
HCR 53
- Ginseng, penalty
HB 645
- Income Tax, IRC reference update
HB 107

ACTIONS OF THE 1994 GENERAL ASSEMBLY

FEDERAL LAWS AND REGULATIONS (Cont'd)

Oppose federal mandate to revoke driver's license of drug offender
SJR 13
Terminology relating to the handicapped, change in
HB 417

FEES

Air emission fees, revision of
HB 379
Automobile recycling dealers, licensing
SB 228
Blood establishment, inspection
HB 704
Boiler inspection
HB 43
Cold check fee, disposition of
SB 153
County clerks, increases
HB 647
Court fees, setting of
HB 339
Department of Parks, use of
HB 775
Hazardous waste management fund, revise fee structure
SB 268
Petroleum storage tank fund, increase
HB 402
Professional art therapists, licensure
HB 922
Soil and water conservation district, filing for candidacy
HB 294
Waste tire fund exemption, revision of
HB 399

FIDUCIARIES

Escheats, property considered abandoned after 5 years
HB 79
Investment in South Africa, permitted
SB 280
Standby guardian and conservators, appointment of
HB 173

FINANCIAL RESPONSIBILITY

L.P. gas licensees, insurance required
HB 449
Mechanics and materialmen's liens
HB 9
Workers' Compensation Funding Comm., removal of investment restriction
SB 280

FIRE PREVENTION

Commission on Fire Protection, quorum
HB 62
Fireworks, regulate sale of
HB 580

FIREARMS AND WEAPONS

Handgun, possession by juvenile
HB 359
Omnibus Crime Bill
HB 390
Receiving stolen property, firearms
HB 231
Weapons, possession on school property
HB 312

FIREFIGHTERS AND FIRE DEPARTMENTS

Commission on Fire Protection, quorum

FIREFIGHTERS AND FIRE DEPARTMENTS (Cont'd)

HB 62
Fire districts, creation of
SB 87
Fire protection subdistrict
HB 398
Pension fund boards of trustees
HB 788
Retirement age in urban-counties
HB 890
Survivor benefits, 2nd class cities
HB 505
Urban-counties, transfer to CERS
HB 738
Volunteer departments, certification
HB 4

FIREWORKS

Sale of, regulate
HB 580

FISCAL NOTE

Agricultural deferred tax assessment
HB 31
Airline industry study
HJR 82
Appeal procedure
HB 307
Bonds, reporting and authorization requirements
SB 22
CERS hazardous coverage, paramedics and EMT's
HB 357
Charitable gaming, regulation of
HB 206
Child sexual abuse, multidisciplinary team members
HB 223
Child support withholding
HB 643
Children with disabilities
HB 826
Commercial license, third-party testing
HB 341
Corrections, housekeeping bill
HB 459
Cost-sharing funds for soil erosion control
HB 377
Court of Justice construction, payment for
HB 568
Deaf or hard of hearing, support services
HB 458
Decriminalization of mentally ill
HB 207
Delinquent tax collection duties
HB 309
Denying motor vehicle licensing
HB 311
Department of Information Systems, fees for services
HB 573
Dietitians and Nutritionists, regulation of
HB 497
Economic impact statement
HB 322
Electronic fund transfer, tax payments
HB 80
Environmental license plates, issuance of
HB 368
Escheats, property considered abandoned after 5 years
HB 79

ACTIONS OF THE 1994 GENERAL ASSEMBLY

FISCAL NOTE (Cont'd)

Excise, pari-mutuel wagering at county fairs
 SB 320
 Fire protection subdistrict
 HB 398
 Heating, Ventilation, and Air Conditioning Contractors' Act
 HB 7
 Hospital taxing districts, tax rate approval by fiscal court
 HB 400
 Income Tax, IRC reference update
 HB 107
 Income tax, statute of limitations
 HB 297
 Income, state depreciation to federal, conformance of
 HB 298
 Individual income tax, innocent spouse relief
 HB 121
 Infants and toddlers with disabilities, early intervention
 HB 408
 Insurance, participation in state programs
 SB 164
 Interstate simulcasting and wagering
 HB 898
 Legislative claims bill
 HB 705
 License tax, coin-operated vending machines, repeal
 HB 122
 Linked deposit loan program, creation of
 SB 100
 Local health department, merit system
 HB 631
 Losses, indemnification for
 SB 39
 Medicaid, third-party recovery
 HB 798
 Mental health benefits
 HB 514
 Motor vehicle usage tax, wrecked vehicles
 HB 13
 Office for Information Resources Management, creation
 HB 56
 Office of Geographic Information, creation of
 HB 48
 Oil and gas, public release of production data
 HB 683
 Omnibus revision
 HB 928
 Optional retirement plan, regional universities
 HB 405
 Personal Care Assistance Program; provider
 HB 462
 Physical therapy, examination fees
 HB 445
 Priority for tax credits, establishment of
 HB 310
 Property tax assessment of
 HB 84
 Property tax railroad carlines, assessment and collection
 HB 113
 Property valuation administrators, CKA or SKA, salary increase
 HB 513
 Rabies immunizations, fees
 HB 652
 Ratite, disease control
 HB 140
 Receiving stolen property, firearms
 HB 231

FISCAL NOTE (Cont'd)

Retail sales reports
 HB 106
 Revolving trust and agency account, creation of
 HB 380
 Sales & use, machinery for new & expanded industry & industrial supply
 HB 455
 Sealed bids, announce engineer's estimate when opened
 HB 889
 Seat belts, use required
 HB 215
 Service agency employee, criminal record check
 HB 628
 Severance and minerals taxes, transportation expense
 HB 337
 Sexual abuse, state multidisciplinary commission
 HB 190
 Small and farm wineries, exemption from wholesale tax
 HB 569
 Smoking policy for state and local governments
 SB 316
 Special fuels tax, agricultural exemption
 HB 75
 State Interagency Council for Children with Disabilities
 HB 152
 State leased premises, improvements to
 SB 45
 State purchases, regulation of
 SB 44
 Student loans
 SB 13
 Substance abuse treatment programs
 HB 555
 Tax rate, determination of
 HB 99
 Tax rates, setting of
 HB 81
 Tax receipts, deposit of
 HB 85
 Taxation of illegal substances
 HB 171
 Taxpayer ombudsman, qualifications
 HB 103
 Terminology relating to the handicapped
 HB 200
 Terminology relating to the handicapped, change in
 HB 417
 Transfer tax exemption, trusts
 HB 157
 Transient merchant laws, enforcement of
 HB 222
 Transient room taxes
 HB 741
 U of L equine industry program, funding for
 HB 386
 Visually impaired, independent living
 SB 27
 Workers' Comp. Funding Commission, removal of investment restriction
 SB 280
 county clerk fee increases
 HB 647

FISH AND WILDLIFE

Division of Water Patrol, Transfer to Department of Fish and Wildlife
 SB 128
 Handgun, possession by juvenile
 HB 359

ACTIONS OF THE 1994 GENERAL ASSEMBLY

FISH AND WILDLIFE (Cont'd)

License and permit procedures
HB 387
Mussels, revise Fish and Wildlife Department authority over
HB 385
Wildlife income tax check off, amendment
HB 218

FLOOD CONTROL AND FLOODING

Advisory Commission, staff
SB 344

FOODS

Packaging, use of Kentucky logo
HB 395

FORESTS AND FORESTRY

Kentucky Forest Products Council
HB 420
State arboretum, designation of
HJR 5
Timber cutting unauthorized, penalty for
HB 6
Wood Products Competitiveness Corp.; Forest Prod. Coun., creation of
HB 561

FUEL

Agricultural use, tax exemption
HB 75
Motor, fuels quality, state testing program
HB 135
Petroleum storage tank fund fee, increase
HB 402
Underground storage tank clean ups, set standards for
HB 481

GAMBLING

Charitable gaming, regulation of
HB 206
Interstate simulcasting and wagering
HB 898
Pari-mutuel wagering, out-of-state signals, conditions
SB 307

GENERAL ASSEMBLY

Candidates for Gen. Assembly, statements of financial interests
HB 891
Cap. Plan. Adv. Bd., Cap. Projects & Bond Oversight Com., duties
HB 166
Capital projects committee, power to seek injunctions
HB 52
Commission on poverty, interim study
SCR 74
Confirmations, procedures when interim hearings are required
SB 60
Leadership, technical title revisions
SB 119
Legislative Compensation Comm. members, report
HB 737
Legislative branch budget
HB 300
Legislative branch budget memorandum
HJR 29
Oppose federal mandate to revoke driver's license of drug offender

GENERAL ASSEMBLY (Cont'd)

SJR 13
Reviser's bill, corrections to statutes
HB 863
Senate, confirmation requirement, commissioner of insurance
SB 287
Senatorial districts 21, 27 and 29
SB 348
Session expense allowance, reduction
SB 10
State budget process, changes
HB 888
Statutes, electronic editions, official status designation
SB 301
Transfer of retirement credit & beneficiary choice
HB 183

GOVERNOR

Airline industry study
HJR 82
Appointments, Kentucky Educational Television Authority
SB 40
Boards and commissions, minorities
SB 367
Candidates for Governor and Lieutenant Governor, public funding for
HB 355
Confirmations, procedures when interim hearings are required
SB 60
Governor's Commission on Literacy abolished
SB 93
Governor's Commission on Literacy, abolition
HB 266
KERA Evaluation Board, appointment of
HB 256
Kentucky Agriculture Resources Development Authority, creation
SB 154
Ky. Long-Term Policy Research Center Bd., Callico, Forrest Wayne, M.D.
HCR 43
Ky. Long-Term Policy Research Center Board, Douglass, Janice K.
HCR 24
Ky. Long-Term Policy Research Center Board, Ladt, Frederick C.
HCR 25
Ky. Long-Term Policy Research Center Board, McCowan, Robert T.
HCR 33
Ky. Long-Term Policy Research Center Board, Riehm, Joan
HCR 36
Ky. Long-Term Policy Research Center Board, appointment, Miller, Penny M.
HCR 40
Office for Coal and Energy Policy abolished
SB 74
Oppose federal mandate to revoke driver's license of drug offender
SJR 13
Recommended program for rental of space
HB 88
Slates of candidates, exploratory committees for
SB 245
State budget process, changes
HB 888

ACTIONS OF THE 1994 GENERAL ASSEMBLY

GOVERNOR (Cont'd)

State executive branch budget memorandum
HJR 28
Tax reform
HCR 108

GRAIN

Corn, referendum check-off
HB 347
Insurance fund, state, payment of legal expenses
HB 436
Small grains, referendum check-off
HB 348

GUARDIANS

Appointment of standby
HB 173
Attorney's fees for disability proceedings
HB 929
Infants and toddlers with disabilities, early intervention
HB 408
Seat belts, use required
HB 215

HAZARDOUS MATERIALS

Chemical munitions disposal facility, disposal of other waste
HB 650
Lead hazard reduction; licensure of
SB 289

HEALTH AND MEDICAL SERVICES

Abortion, consent requirement for minors
SB 136
Blood establishments, procedures
HB 704
Board of health, membership
SB 180
Breast cancer screening
HB 931
Certificate of need revocation
SB 243
Corrections, housekeeping bill
HB 459
Criminal defendant, blood test, when necessary
HB 232
Dental health water fluoridation programs
SB 170
Dietitians and Nutritionists; regulation of
HB 497
Infants and toddlers with disabilities, early intervention
HB 408
Insurance benefits, mental
HB 514
Lead agency for emergency medical services
HB 646
Living will directives, requirements for
SB 311
Local health department, merit system
HB 631
Medicaid, third-party recovery
HB 798
Medicare supplement insurance, regulation of
HB 721
Nursing, practice of
HB 653
Omnibus health care reform
HB 250
Ophthalmic dispensers, regulation of
HB 485

HEALTH AND MEDICAL SERVICES (Cont'd)

Personal Care Assistance Program, provider
HB 462
Physical therapy; examination fees
HB 445
Podiatrists, insurance coverage of services
SB 151
Religious publication, exempt from insurance code
HB 32
Rendering medical care without compensation, liability
HB 36
Reorganization of Department of Health Services
SB 99
Sexual abuse prevention awareness campaign
SB 86
Substance abuse, standards for treatment programs
HB 555
Terminology relating to the handicapped, change in
HB 417

HIGHWAYS, STREETS, AND BRIDGES

Bicycles, establishment of traffic regulations
SB 237
Bridge, Melvin V. Arnett, naming
HJR 50
Business service highway signs, posting
SB 142
Carl D. Perkins Parkway, naming
SJR 51
Coal transportation and misc. data, permit information
SB 214
Cooperative agreements, forming
HB 558
Country Music Highway, rename US 23
HJR 13
County plows, authorize to clear state roads
HB 814
Harold Bradley Allgood, memorial highway, naming
SJR 27
Hazardous materials, shipping by federal government
HB 448
Manufactured homes, transportation of
HB 208
Pascal Costanzo, Jr. memorial highway, naming
HJR 52
Public ways in cities, closure of
HB 651
Railroads and highway crossings, gating and closing
SB 146
Relocation of lines by school district, state to pay
SB 147
Road plan, omnibus revision of legislative oversight
HB 648
Sham company for highway construction
SB 55
Temporary overweight permit, vehicles hauling crushed automobiles
HB 47

HISTORICAL AFFAIRS

Aviation heritage, Hall of Fame
HJR 3
Kentucky Historical Society, Oral History Commission, reorganization
HB 258
Office of Historic Properties, reorganized as a division
SB 75

ACTIONS OF THE 1994 GENERAL ASSEMBLY

HOSPITALS AND NURSING HOMES

- Blood donations, procedures
HB 704
- Certificate of need revocation
SB 243
- Data collection
HB 250
- Hospital taxing districts, tax rate approval by fiscal court
HB 400
- Lead agency for emergency medical services
HB 646
- Treatment of mentally ill
HB 207

HOUSING, BUILDING, AND CONSTRUCTION

- Affordable housing trust fund
HB 175
- Court of Justice construction, payment for
HB 568
- Exemption of certain steam boilers from regulation
HB 360
- L.P. gas licenses, reclassify
HB 449
- Office or other space, state lease of
HB 88
- State construction, regulation of
SB 44
- State leased premises, improvements to
SB 45
- Underground facilities damage prevention
HB 613

INSPECTIONS

- Boilers, fees for
HB 43
- Exemption of certain steam boilers from regulation
HB 360
- Seed
HB 733

INSURANCE

- Commissioner of insurance, confirmation by the Senate
SB 287
- Companies, financial regulation of
HB 426
- Department of Insurance, miscellaneous changes
HB 427
- Department, failure to act on insolvency
HB 335
- Grain insurance fund, state
HB 436
- Liability insurance, reapplication
SB 308
- Local governments, participation in state programs
SB 164
- Mental health benefits
HB 514
- Mortgage loans for multifamily residential housing
HB 234
- Motor vehicle, failure to have, increase of penalty
HB 71
- Regulation of liability self-insurance groups
SB 361
- Reinstatement of policy grace period
HB 562
- Religious publication, exemption
HB 32
- State vehicles, coverage for boats
HB 744

INSURANCE (Cont'd)

- Trains, excursion, insuring
HB 852
- Unfair trade practices, health condition exclusion
HB 551
- Workers' compensation, omnibus revision
HB 928

INSURANCE, HEALTH

- Child support
HB 643
- Department of Insurance, miscellaneous changes
HB 427
- Exclusion for work-related health condition, prohibition
HB 551
- Medicaid, third-party recovery
HB 798
- Medicare supplement, regulation of
HB 721
- Podiatrists, coverage of services
SB 151
- Religious publication, exemption
HB 32
- Standard benefit plans
HB 250

INSURANCE, MOTOR VEHICLE

- Cancellation, hearing on
HB 547
- Failure to have, increase of penalty
HB 71
- Guaranty, warranty service companies
HB 815
- Liability insurance, reapplication
SB 308
- Proof of insurance before transfer of registration, requirement
HB 639
- Reinstatement of policy grace period
HB 562

INTERLOCAL COOPERATION

- Private colleges, participation of
SB 343

INTERSTATE COOPERATION

- Federal Empowerment Zones & Enterprise Communities
HCR 90
- Interstate simulcasting and wagering
HB 898
- Low-level radioactive waste compact, amendment of
SB 52
- The Breaks Interstate Park Commission, compact changes
HB 244

JAILS AND JAILERS

- Corrections, housekeeping bill
HB 459
- Youth alternative centers
HB 656

JUDGES AND COURT COMMISSIONERS

- Child custody upon commitment to CHR
HB 570
- Complaints against police officers
HB 414
- Oaths, administration of
SB 270

ACTIONS OF THE 1994 GENERAL ASSEMBLY

JUDGES AND COURT COMMISSIONERS (Cont'd)

Transfer of retirement credit & beneficiary choice
HB 183

JUDICIAL CIRCUITS

Judicial branch budget
HB 301

JUDICIAL DISTRICTS

Judicial branch budget
HB 301

JURIES AND JURORS

Retaliating against a juror
SB 29

LABOR AND INDUSTRY

Employees, rights, preservation of statutory entitlements

HB 762

Employment rights, preservation of statutory entitlements

SB 331

Independent contractors, OSHA compliance, study

HCR 60

Legal work day increased to ten hours

HB 719

Occupational safety and health, liens

HB 661

Unemployment ins., fed. conforming amendments, administrative changes

HB 534

Wages and hours, exemptions

SB 271

Wages and hours, liens

HB 660

Workers' compensation, employer, waiver of remedies to

SB 284

Workers' compensation, omnibus revision

HB 928

LAND USE

Agricultural assessment, change of

HB 31

Agriculture water quality plans, require

SB 241

LEGISLATIVE RESEARCH COMMISSION

Appointments to Flood Control Advisory Commission, elimination

SB 344

Capital projects committee, power to seek injunctions

HB 52

Co-chair's title, technical revision

SB 119

Confirmations, procedures when interim hearings are required

SB 60

Legislative Compensation Comm. members, report

HB 737

Legislative branch budget

HB 300

Legislative branch budget memorandum

HJR 29

Long-Term Policy Research Center Bd. appointment, Hellard, Vic. Jr.

HCR 34

LEGISLATIVE RESEARCH COMMISSION (Cont'd)

Long-Term Policy Research Center Board, appointment, Cook, Paul B.

HCR 39

Long-Term Policy Research Cntr. Bd. appointment, Griffin, Betty Sue

HCR 35

Long-Term Policy Research Cntr. Bd. appointment, Sexton, Robert F.

HCR 41

Long-Term Policy Research Ctr. Bd. appointment, Beach, Charles III

HCR 38

Report on local government, deletion

HB 185

Statutes, electronic editions, official status designation

SB 301

LIBRARIES

Donations to in counties with a first class city

HB 45

Foundation grants

SB 158

LICENSING

Alcoholic beverage licensees, imposition of city fee

HB 508

Automobile recycling dealers, licensing

SB 228

Day care centers, corporal punishment, prohibition

SB 67

Environmental license plates, issuance of

HB 368

Fertilizer, licensure in place of registration

HB 482

Fish and wildlife

HB 387

Heating, ventilation, and air conditioning contractors

HB 7

L.P. gas, provide classifications

HB 449

Lead agency for emergency medical services

HB 646

Licensing

SB 137

Medical Review Board, establishing

SB 205

Motor vehicle, denial for child support nonpayment

HB 311

Mussels, revise Fish and Wildlife Department authority over

HB 385

Plumbers, licensing

SB 267

Professional art therapists

HB 922

Real estate appraisers, administrative sanctions

SB 201

Sexual misconduct by professionals

HB 115

SB 107

Substance abuse treatment programs

HB 555

Vending machine tax, repeal

HB 122

LIENS

Local government, valid for ten years

HB 913

ACTIONS OF THE 1994 GENERAL ASSEMBLY

LIENS (Cont'd)

- Mechanics and materialmen's liens
HB 9
- Occupational safety and health, violations
HB 661
- Wages and hours
HB 660

LIEUTENANT GOVERNOR

- Candidates for Governor and Lieutenant Governor, public funding for
HB 355
- Duties and compensation, technical revisions
SB 119
- Executive branch budget
HB 302
- Slates of candidates, exploratory committees for
SB 245
- State executive branch budget memorandum
HJR 28

LOANS AND CREDIT

- College access program grants
SB 12
- Mortgage loan companies, regulation of
HB 855
- Ratite production, declared an agricultural activity
HB 140
- Student loans
SB 13
- Teachers' loans and scholarships
SB 24

LOCAL GOVERNMENT

- Air pollution control districts, procedures, standards, and appeals
HB 484
- CERS, cost-of-living increase
HB 269
- Chemical munitions disposal facility, disposal of other waste
HB 650
- Cities of first class, boards and commissions
HB 123
- Cities of second class, nuisance codes
HB 912
- Codes of ethics, requirement for cities and counties
HB 238
- Community improvement districts, creation of
SB 140
- Constitutional amendment, structure and function
SB 256
- Contractors, compliance with laws
SB 258
- Contracts, prohibition against holding by city officials
HB 875
- Department of, Program Services, reorganization, EO 92-502
SB 77
- Department of, reorganization
SB 277
- Economic development, including workforce training
HB 74
- Economic environs of riverport authority, definition of
HB 512
- Environmental permit fees, delete exemption for public facilities
HB 379
- Federal Empowerment Zones & Enterprise Communities, Bell Co., Kentucky

LOCAL GOVERNMENT (Cont'd)

- HCR 90
- Fire protection subdistrict
HB 398
- Insurance, participation in state programs
SB 164
- Interlocal agreements, private colleges
SB 343
- Investment options
SB 199
- Kentucky Infrastructure Authority, revisions
HB 760
- LRC report on financial condition, deletion
HB 185
- Libraries, foundation grants
SB 158
- Liens, valid for ten years
HB 913
- Local health department, merit system
HB 631
- Local industrial development authority
SB 346
- Police jurisdiction--4th class cities
SB 4
- Public ways in cities, closure of
HB 651
- Railroads and highway crossings, gating and closing
SB 146
- Smoking policy
SB 316
- Soil and water conservation district, dissolution and filing fee
HB 294
- Solid waste revolving fund grants, limitation upon
HB 284
- Water and sanitation districts, hearing procedures
HB 186

LOCAL MANDATE

- Air emission fees
HB 379
- Air pollution control districts, procedures, standards, and appeals
HB 484
- Bribery, providing a pecuniary benefit for
SB 47
- CERS, hazardous coverage, paramedics and EMTs
HB 357
- Child sexual abuse, multidisciplinary team members
HB 223
- Codes of ethics, requirement for cities and counties
HB 238
- Cold check fee
SB 153
- Complaints against police officers
HB 414
- Corrections, housekeeping bill
HB 459
- County clerk fee increases
HB 647
- Decriminalization of mentally ill
HB 207
- Disability retirees, early retirement penalties
SB 80
- Election fraud, prevention of
SB 281
- Environmental license plates, issuance of
HB 368
- Fire protection subdistrict
HB 398

ACTIONS OF THE 1994 GENERAL ASSEMBLY

LOCAL MANDATE (Cont'd)

Fish and wildlife license and permits
HB 387
Insurance, participation in state programs
SB 164
Insurance, requirement before transfer of vehicle
HB 639
Interstate simulcasting and wagering
HB 898
Lead agency for emergency medical services
HB 646
Library donations, collection of
HB 45
Local cooperative agreements and examinations
HB 649
Motor vehicle accident reports, confidentiality
SB 351
"Motor-Voter" Registration
SB 262
Natural gas system safety, regulation of
HB 500
Occupational safety and health, liens
HB 661
Office of Controller and Dept. of Local Government
SB 277
Omnibus Crime Bill
HB 390
Omnibus health care reform
HB 250
Property tax railroad carlines, assessment and collection
HB 113
Regulation of liability self-insurance groups
SB 361
Retaliating against a juror
SB 29
Seat belts, use required
HB 215
Survivor benefits, 2nd class cities
HB 505
Tax rates, setting of
HB 81
Training requirements for bailiffs
HB 58
Unpaid wages, liens
HB 660
Urban-county police and firefighter retirement age
HB 890
Victim advocates and child sexual abuse investigations
HB 95
Volunteer departments, certification
HB 4

LOTTERY

Kentucky Lottery Corporation, duties
HB 166
Omnibus revision
HB 715

MALT BEVERAGES

License fee, imposition of
HB 508
Omnibus Crime Bill
HB 390

MEMORIALS

Anderson, D.H., naming of educational building for
SJR 10
Bridge, Melvin V. Arnett, naming
HJR 50
Carl D. Perkins Parkway, naming

MEMORIALS (Cont'd)

SJR 51
Harold Bradley Allgood, memorial highway, naming
SJR 27
MacBride, Sean, honoring
SCR 44
Pascal Costanzo, Jr. memorial highway, naming
HJR 52
Powell, Benny, memorializing
HJR 26

MENTAL DISABILITY

Infants and toddlers with disabilities, early intervention
HB 408
Statutes, terminology relating to the handicapped, change in
HB 200
Terminology relating to the handicapped, change in
HB 417

MENTAL HEALTH

Hospitalization in lieu of jailing
HB 207
Infants and toddlers with disabilities, early intervention
HB 408
Insurance benefits
HB 514
Professional art therapists, licensure
HB 922
Psychiatric records seizure
SB 177
State Interagency Council for Children with Disabilities, regulatory authority
HB 152
Statutes, terminology relating to the handicapped, change in
HB 200
Terminology relating to the handicapped, change in
HB 417

MILITARY AFFAIRS AND CIVIL DEFENSE

Executive branch budget
HB 302
Expired driver's licenses for military personnel, issuance of
HB 365
Military leave, paid
HB 851

MINERALS AND MINING

Coal combustion by-products disposal
SB 266
Electricity, use at mines, requirements, revision
HB 526
Emergency medical technician, employment at mines
HB 776
Mine reports, timing, change
HB 527
Miner, prohibition upon working in unsafe conditions
HB 528
Mining violations, penalties for
HB 618
Mining, major permit revision.
HB 707
Oil and gas; public release of production data
HB 683
Oil and natural gas, terms defined
HB 684
Penalties, task force for interim study
HJR 81

ACTIONS OF THE 1994 GENERAL ASSEMBLY

MINERALS AND MINING (Cont'd)

- Severance and minerals taxes, transportation expense
HB 337
- Surface coal miners, training requirement
HB 529
- Surface mine reining
SB 208
- Surface mining hearings and definitions
SB 249
- Water supply replacement during mining
HB 338

MOTOR CARRIERS

- Axle weight, increase
SB 85
- Commercial license, third-party testing
HB 341
- Cooperative agreements, forming
HB 558
- Driver's license, prohibition of use of social security number
SB 171
- Hazardous materials, shipping by federal government
HB 448
- Intrastate motor carriers, deregulation of
SB 33
- Summons, failure to comply, permit revocation
HB 41
- Temporary overweight permit, vehicles hauling crushed automobiles
HB 47

MOTOR VEHICLES

- Acad. deficient students, prohibition upon use of driving record
HB 125
- Accident reports, confidentiality
SB 351
- Ad valorem tax rates
HB 81
- Automobile recycling dealers, licensing
SB 228
- Commercial license, third-party testing
HB 341
- Cooperative agreements, forming
HB 558
- County license fee on auto rentals
HB 622
- Dealer plates, issuance, cancellation, and enforcement
HB 136
- Dealer transfer of certificate of title
SB 106
- Dealers, guaranties issued through
HB 815
- Driver's license, prohibition of use of social security number
SB 171
- Driver's license, student reapplication for
HB 533
- Environmental license plates, issuance of
HB 368
- First time registration from another state
HB 99
- Fuel quality, state testing program
HB 135
- Hazardous materials, shipping by federal government
HB 448
- Insurance, hearing on cancellation of
HB 547

MOTOR VEHICLES (Cont'd)

- Insurance, requirement before transfer of vehicle
HB 639
- Military personnel, issuance of expired driver's licenses
HB 365
- Motor vehicle license and registration, denial, nonpayment child support
HB 311
- Motor vehicle titles, branding of
HB 225
- Multi-year license plates, req. on certain vehicles
HB 47
- Oppose federal mandate to revoke driver's license of drug offender
SJR 13
- Public advocacy, service fees for
HB 388
- Raise fees for issuing drivers licenses and permits
HB 539
- Registration renewal, notice of
HB 307
- Registration, Joint
HB 19
- Seat belts, use required
HB 215
- Transfer of, payment of delinquent taxes
HB 40
- Use tax on wrecked vehicles, certification of
HB 13
- Waste tire disposal restrictions, revision of
HB 399

NEWS MEDIA

- Newspapers, require recycled content
HB 282
- Publication of constitutional amendment, delete requirement for
SB 185

NOTICES

- Business service highway signs, posting
SB 142

NUISANCES

- Abatement, cities of the second class
HB 912
- Liens, valid for ten years
HB 913

NURSES

- Changes in practice requirements
HB 653
- Rendering medical care without compensation, liability
HB 36
- Sexual misconduct by professionals
HB 115
SB 107

OCCUPATIONAL SAFETY AND HEALTH

- Emergency medical technician, employment at mines
HB 776
- Health insurance, health condition exclusion
HB 551
- Independent contractors, OSHA compliance, study
HCR 60
- Surface coal miners, training requirement
HB 529
- Violations, liens
HB 661

ACTIONS OF THE 1994 GENERAL ASSEMBLY

OCCUPATIONS AND PROFESSIONS

Accountants, school district audits, qualifications for
SB 174
Automobile recycling dealers, licensing
SB 228
Board of health, engineer, optometrist and veterinarian
members
SB 180
Boiler inspectors
HB 43
CPA, practice requirements omnibus revision
HB 546
Dental health water fluoridation programs
SB 170
Dietitians and Nutritionists; regulation of
HB 497
Fraud and abuse prosecution
HB 127
Health care providers, fee disclosure
HB 250
Heating, ventilation, and air conditioning contractors;
regulation of
HB 7
Landscape Architects; Omnibus Revision
HB 432
Lead hazard reduction; licensure of
SB 289
Marriage and family therapists, regulation of
SB 246
Medicaid fraud and abuse prosecution
SB 37
Nursing, practice of
HB 653
Ophthalmic dispensers, regulation of
HB 485
Physical therapy; examination fees
HB 445
Plumbers, licensing
SB 267
Professional art therapists, licensure
HB 922
Real estate appraisers, administrative sanctions
SB 201
Sexual misconduct by professionals
HB 115
SB 107

OIL AND NATURAL GAS

Natural gas system safety, regulation of
HB 500
Oil and natural gas, terms defined
HB 684
Property tax assessment of
HB 84
Public release of production data
HB 683
Reclamation of site
HB 591

OPTOMETRISTS

Ophthalmic dispensers, regulation of
HB 485

PARENTAL RIGHTS

Abortion, consent requirements
SB 136
Grandparents visitation rights
SB 278
Handgun, possession by juvenile
HB 359

PARENTAL RIGHTS (Cont'd)

Infants and toddlers with disabilities, early intervention
HB 408
Nonpayment, child support, denial of motor vehicle
licensing
HB 311
Omnibus Crime Bill
HB 390
School breakfast program
HB 632
Seat belts, use required
HB 215
Termination of abused and neglected children,
admissible evidence
SB 222
Termination of abused and neglected children,
admissible evidence
HB 494

PARKS AND SHRINES

Department of Parks, purchases by
SB 44
Kentucky Horse Park Commission, functions of
SB 193
State arboretum, designation of
HJR 5
The Breaks Interstate Park Commission
HB 244

PARTNERSHIPS

Businesses, limit liability of
SB 184

PEACE OFFICERS AND LAW ENFORCEMENT

Child abuse investigation, CHR report
HB 479
Child abuse, multidisciplinary team members
HB 223
Complaints against police officers
HB 414
County police disciplinary hearings
SB 188
Hospitalization of mentally ill persons, transport
HB 207
Police jurisdiction--4th class cities
SB 4
Seat belts, use required
HB 215
Sex offender registration system, creation of
SB 43
Training requirements for bailiffs
HB 58
Weapons, possession on school property
HB 312

PERSONNEL AND EMPLOYMENT

Executive Department, pilot personnel programs
SB 221
Local health department, merit system
HB 631
Personnel system for executive department
HB 522
Reorganization of Department of Personnel
SB 98
Service agency employee, criminal record check
HB 628
Sexual misconduct by professionals
HB 115
SB 107

ACTIONS OF THE 1994 GENERAL ASSEMBLY

PERSONNEL AND EMPLOYMENT (Cont'd)

- State, appeals process
SB 61
- Transportation Cabinet, rights of commissioned employees
HB 531
- Workforce Development Cabinet, omnibus revisions
SB 305

PHARMACISTS

- Rendering medical care without compensation, liability
HB 36

PHYSICIANS AND PRACTITIONERS

- Abortion, consent requirement for minors
SB 136
- Blood donations, procedures
HB 704
- Dental health water fluoridation programs
SB 170
- Fee disclosure
HB 250
- Living will directives, requirements for
SB 311
- Physical therapy; examination fees
HB 445
- Podiatrists, insurance coverage of services
SB 151
- Rendering medical care without compensation, liability
HB 36
- Sexual misconduct by professionals
HB 115
SB 107
- Suicide, assisting
HB 276

PLANNING AND ZONING

- Public notice of city annexations
HB 466

PLUMBERS AND PLUMBING

- Plumbers licensing requirements
SB 267

POLICE, CITY AND COUNTY

- Complaints against police officers
HB 414
- County merit system, civilians exempted
SB 187
- County police disciplinary hearings
SB 188
- Jurisdiction--4th class cities
SB 4
- Pension fund boards of trustees
HB 788
- Retirement age in urban-counties
HB 890
- Safety officers in urban-county
HB 401
- Survivor benefits, 2nd class cities
HB 505
- Urban-counties, transfer to CERS
HB 738

POLICE, STATE

- Commercial license, third-party testing
HB 341
- Educational requirements
HB 864

POLICE, STATE (Cont'd)

- Flat Woods Project area, Federal Empowerment Zone designation
HCR 53
- Retiree cost-of-living increase
HB 517
- Sex offender registration system, creation of
SB 43

POLLUTION

- Agriculture water quality plans, require
SB 241
- Air pollution control districts, procedures, standards, and appeals
HB 484
- Clean up standards, establishment of
HB 481
HB 664
- Oil and gas drilling reclamation
HB 591
- Water supply replacement during mining
HB 338

POPULAR NAMES AND SHORT TITLES

- "Motor-Voter" Registration
SB 262
- Decriminalization of mentally ill
HB 207
- Health Care Reform Act
HB 250
- Heating, Ventilation, and Air Conditioning Contractors' Act
HB 7
- Kentucky Endangered Plant Protection Act
HB 349
- Pilot Personnel Program Act
SB 221
- Sex Offender Registration Act
SB 43

POVERTY

- Medicaid fraud and abuse prosecution
HB 127
SB 37
- Study commission, creation of
SCR 74

PROBATION AND PAROLE

- Corrections, housekeeping bill
HB 459
- Nomination process and operation of the Parole Board, changes in
SB 213
- Parole Board, reorganization
HB 268
- Sex offender registration system, creation of
SB 43
- Sexual offenders, probation and conditional release
HB 96

PROPERTY

- Agricultural deferred tax assessment
HB 31
- Airline industry, assessment of
HJR 82
- Burial rights in cemetery lots
HB 14
- Delinquent tax collection duties
HB 309

ACTIONS OF THE 1994 GENERAL ASSEMBLY

PROPERTY (Cont'd)

Indigents, civil legal services for
HB 929
Nuisance codes, cities of second class
HB 912
Real estate transfer tax exemption, trusts
HB 157
Real estate, ownership and conveyance of
HB 553
Tax rate, determination of
HB 99
Tax rates, setting of
HB 81
Trademarks and service marks, registration of
SB 141

PROPERTY VALUATION ADMINISTRATORS

Agricultural deferred tax assessment
HB 31
Executive branch budget
HB 302
Professional designation, hours required
HB 99
Salary increase, CKA or SKA designation
HB 513
State executive branch budget memorandum
HJR 28

PROSECUTORS

Cold check fee, disposition of
SB 153
Losses, indemnification for
SB 39
Multidisciplinary Commission on Child Sexual Abuse,
creation of
HB 190
Prosecutorial duties, sharing of
SB 186
Victim advocate in Commonwealth's attorney offices
HB 95

PUBLIC ADVOCATE

Reorganization, Executive Order 93-606
HB 262

PUBLIC ASSISTANCE

Commission on poverty, interim study
SCR 74
Fraud and abuse prosecution
HB 127
SB 37
Medicaid, third-party recovery
HB 798
Public assistance recipients, small business develop-
ment project
HJR 91

PUBLIC AUTHORITIES

Economic environs of riverport authority, definition of
HB 512
Local health department, merit system
HB 631
Local industrial development authority
SB 346

PUBLIC ETHICS

Candidates for Gen. Assembly, statements of financial
interests
HB 891

PUBLIC ETHICS (Cont'd)

Codes of ethics, requirement for cities and counties
HB 238
Contracts, prohibition against holding by city officials
HB 875
Executive Branch Ethics Commission, attach to
Governor's Office
HB 257
Lottery Corporation
HB 715

PUBLIC HEALTH

Day care centers, corporal punishment, prohibition
SB 67
Dental health water fluoridation programs
SB 170
Lead hazard reduction; licensure of
SB 289
Local health department, merit system
HB 631
Seat belts, use required
HB 215
Terminology relating to the handicapped, change in
HB 417

PUBLIC OFFICERS AND EMPLOYEES

Assistant county attorneys, residency
SB 234
Boards and commissions, minorities
SB 367
CERS, cost-of-living increase
HB 269
Classified School Employees, retirement
HB 203
Codes of ethics, requirement for cities and counties
HB 238
Contracts, prohibition against holding by city officials
HB 875
County police disciplinary hearings
SB 188
County police merit system, civilians exempted
SB 187
Defense by local government in tort action
HB 565
Executive branch budget
HB 302
Fiscal court members, claims against the state
HB 571
General Assembly, session expense allowance,
reduction
SB 10
KERS disability retirees, early retirement penalties
SB 80
Local health department, merit system
HB 631
Oaths, administration of
SB 270
Personnel system for executive department
HB 522
Retiree cost-of-living increase
HB 517
School district audits, advisory committee membership
HB 616
Sexual misconduct by professionals
HB 115
SB 107
Soil and water conservation board, filing fee for
candidate
HB 294

ACTIONS OF THE 1994 GENERAL ASSEMBLY

PUBLIC OFFICERS AND EMPLOYEES (Cont'd)

State executive branch budget memorandum
HJR 28
State police, educational requirements
HB 864
State, appeals process
SB 61
Taxpayer ombudsman, qualifications
HB 103
Teachers Retirement Credit for Peace Corps Service
SB 81
Transportation Cabinet, rights of commissioned employees
HB 531

PUBLIC RECORDS AND REPORTS

Acad. deficient students, prohibition upon use of driving record
HB 125
Corrections, housekeeping bill
HB 459
Crime reports by school officials
SB 112
Education records, confidentiality and release
HB 176
Parole Board members, qualifications and voting procedures
SB 213
School district audits
SB 174
Sealed bids, announce engineers estimate when opened
HB 889
State economic inducements, exemption for
HB 511

PUBLIC SALARIES

Executive department employees
HB 522

PUBLIC UTILITIES

Abandoned utilities, court appointment of a receiver
HB 421
Demand side management initiatives, procedures for
HB 501
Interest on utility customer deposits
HB 318
Kentucky Infrastructure Authority, revisions
HB 760
Limitations on backbilling
HB 316
Natural gas system safety, regulation of
HB 500
Public Service Commission, date of order
HB 321
Public Service Commission, reorganization
SB 73
Public Service Commission, secretary, delete references to
HB 320
Telecommunication devices for the deaf, distribution of
HB 538
Telephone solicitation, regulation of
HB 710
SB 168
Transfer of, approval required
HB 319
Underground facilities damage prevention
HB 613
Water districts, board of merged districts
HB 629

PUBLIC UTILITIES (Cont'd)

Water system expansions with federal financing, regulation of
HB 567

PURCHASING

Corrections, housekeeping bill
HB 459
Delegation of small purchasing authority, removal of upper limits
HB 742
Information highway, state contracts for
HB 900
Lottery Corporation, purchasing procedures
HB 715
Public contractors, compliance with laws
SB 258
State bond issuance, hiring participants in
HB 299
State leased premises, improvements to
SB 45
State leased space and offices, changes to
HB 93
State purchases, regulation of
SB 44

RACING

Harness racing, pari-mutuel tax, exemption
SB 320
Interstate simulcasting and wagering
HB 898
License tax, tentative payment
HB 99
Simulcasting out-of-state signals, conditions
SB 307
U of L equine industry program, funding for
HB 386

RAILROADS

Property tax on railroad carlines
HB 113
Railroads and highway crossings, gating and closing
SB 146
Trains, excursion, insuring
HB 852

REAL ESTATE

Ownership and conveyance
HB 553
Real estate appraisers, administrative sanctions
SB 201
Transfer tax exemption, trusts
HB 157

REAPPORTIONMENT

Senatorial districts 21, 27 and 29
SB 348

RELIGION

Publication, exempt from insurance code
HB 32
Religious groups with no clergy, marriage procedures
HB 576
School employees, prohibit required disclosure of religious affiliation
HB 35

REORGANIZATION

Agriculture, Department of, Order 92-001
SB 159

ACTIONS OF THE 1994 GENERAL ASSEMBLY

REORGANIZATION (Cont'd)

Coal marketing and export function, transfer
SB 74
Department of Agriculture, EO 93-01E
SB 161
Department of Education, Executive Orders 93-542 and
93-689
SB 92
Department of Financial Institutions
SB 78
Department of Health Services
SB 99
Department of Local Government, EO 92-502
SB 77
Department of Personnel
SB 98
Division of Historic Properties, state curator
SB 75
Division of Postal Services, creation of
HB 264
Division of Water Patrol, Transfer to Department of
Fish and Wildlife
SB 128
Economic Development Cabinet
HB 260
Education, Arts & Humanities Cabinet, creation of
Development Off.
SB 70
Education, Arts, and Humanities Cabinet
HB 258
Executive Branch Ethics Commission, attach to Gov-
ernor's Office
HB 257
Finance and Administration Cabinet
HB 267
Information Systems, Executive Order 92-624
SB 76
Justice Cabinet, executive order
HB 268
Natural Resources and Environmental Protection Cab-
inet, hearing office
HB 261
Office of Controller and Dept. of Local Government
SB 277
Office of State Veterinarian, Agriculture EO 94-01E
SB 160
Public Advocacy, Executive Order 93-606
HB 262
Public Service Commission, Executive Order 92-1339
SB 73
Registry of Election Finance, Order 93-29
HB 259
Revenue Cabinet
HB 488
Revenue Cabinet, Executive Order 92-576
HB 263
Transportation Cabinet, EO 93-1149
HB 266
Workforce Development Cabinet, Order 93-593
SB 93

REPRODUCTIVE ISSUES

Abortion, consent requirement for minors
SB 136

RETIREMENT AND PENSIONS

2nd class city, police & firefighter widows' benefit
SB 91
Board of trustees, cities, 2nd class
HB 788

RETIREMENT AND PENSIONS (Cont'd)

CERS, cost-of-living increase
HB 269
CERS, hazardous coverage, paramedics and EMTs
HB 357
Classified School Employees, added service credit
HB 203
Disability retirees, early retirement penalties
SB 80
KERS, CERS, State Police cost-of-living increases
HB 517
Legislative & Judicial retirement, transfer of credit
HB 183
MacBride principles, support for
SCR 44
Optional retirement plan, regional universities
HB 405
Police and firefighter survivor benefits in 2nd class
cities
HB 505
Tax reform
HCR 108
Teachers Retirement Credit for Peace Corps Service
SB 81
Teachers' Retirement, omnibus revisions
HB 685
Urban-county police & firefighter retirement age
HB 890
Urban-county police and firefighters, transfer to CERS
HB 738

SAFETY

Mining, working conditions
HB 528
Natural gas system safety, regulation of
HB 500
Railroads and highway crossings, gating and closing
SB 146
Seat belts, use required
HB 215
Violations, liens
HB 661
Weapons, possession on school property
HB 312

SALES

Business service highway signs, posting
SB 142
Retail sales, informational reports
HB 106
Seed
HB 733
Tobacco seedlings, regulation of distribution
HB 519

SECRETARY OF STATE

Businesses, limit liability of
SB 184
Declaration of election crisis, petition for
SB 281
Executive branch budget
HB 302
National Voter Registration Act of 1993,
implementation of
SB 262
Publication of constitutional amendment, delete
requirement for
SB 185
State executive branch budget memorandum
HJR 28

ACTIONS OF THE 1994 GENERAL ASSEMBLY

SECRETARY OF STATE (Cont'd)

Trademarks and service marks, registration of
SB 141

SECURITIES

Bonds, reporting and authorization requirements
SB 22

SEWER SYSTEMS

Financing by counties
HB 243
Multi-county sanitation districts, consolidation
SB 255

SHERIFFS

Bond, county judge/executive may require
HB 81
Certified motor vehicle inspector, wrecked vehicles
HB 13
Investment options
SB 199
Tax claims, distraint of personal property
HB 99
Training requirements for bailiffs
HB 58

SMALL BUSINESS

Linked deposit loan program, creation of
SB 100
Small business
HB 469

SPACE AND OFFICES

State lease
HB 88
State leased premises, improvements to
SB 45
State leased space and offices, changes to
HB 93

SPECIAL DISTRICTS

Air pollution control districts, procedures, standards,
and appeals
HB 484
Community improvement districts, creation of
SB 140
Defense of employee in tort action
HB 565
Fire districts, certification
HB 4
Fire districts, creation of
SB 87
Fire protection subdistrict
HB 398
Multi-county sanitation districts, consolidation
SB 255
Water and sanitation districts, hearing procedures
HB 186
Water district expansions using federal funds,
regulation
HB 567
Water districts, board of merged districts
HB 629

STATE AGENCIES

Administrative hearings, uniform procedures
HB 334
Administrative regulations, economic impact statement
HB 322

STATE AGENCIES (Cont'd)

Agriculture Department, motor fuel-testing program
HB 135
Agriculture Department, reorganization
SB 159
Alcoholic Beverage Control Board, revolving agency
account
HB 380
Bd. for Elem. & Secondary Ed., appointment, Gish,
Thomas Edward
HCR 104
Bd. for Elem. & Secondary Ed., appointment, Kelly,
Joseph W.
HCR 100
Bd. for Elem. & Secondary Ed., appointment,
Mountjoy, Helen W.
HCR 101
Bd. for Elem. & Secondary Ed., appointment, Pope,
Margaret G.
HCR 102
Bd. for Elem. & Secondary Ed., appointment, Robinson,
Samuel
HCR 37
Bd. for Elem. & Secondary Ed., appointment, True,
Craig
HCR 99
Bd. for Elem. & Secondary Ed., appointment, Venters,
Jane Adams
HCR 103
Board of Agriculture
SB 167
Boards and commissions, minorities
SB 367
Bridge, Melvin V. Arnett, naming
HJR 50
Cabinet for Human Resources, child custody upon
commitment
HB 570
Cabinet for Human Resources, dental health water
fluoridation
SB 170
Carl D. Perkins Parkway, naming
SJR 51
Central State Hospital Recovery Authority, creation
SB 225
Civil Rights Act of 1964, Title VI implementation
SB 248
Commission for Handicapped Children, name change
HB 200
Commission on Fire Protection, quorum
HB 62
Contractors, compliance with laws
SB 258
Cooperative agreements, forming
HB 558
Corrections, housekeeping bill
HB 459
Delegation of small purchasing authority, removal of
upper limits
HB 742
Department for the Blind
SB 27
Department of Agriculture, reorganization
SB 161
Department of Education and Cabinet for Human
Resources
HB 826
Department of Education, regional service centers
HB 211

ACTIONS OF THE 1994 GENERAL ASSEMBLY

STATE AGENCIES (Cont'd)

Department of Education, reorganization
SB 92

Department of Education, year-round school calendars
HJR 66

Department of Financial Institutions, reorganization of
SB 78

Department of Health Services, reorganization of
SB 99

Department of Mines and Minerals, surface coal miner training
HB 529

Department of Parks, fees and charges
HB 775

Department of Personnel, reorganization of
SB 98

Departments of Education
SB 314

Dept. of Information Systems, fees for services
HB 573

Division of Charitable Gaming, creation of in the Justice Cabinet
HB 206

Division of Water Patrol, Transfer to Department of Fish and Wildlife
SB 128

Economic Development Cabinet, reorganization
HB 260

Education Professional Standards Board
HB 442

Education, Arts & Humanities Cabinet, creation of Development Off.
SB 70

Education, Arts, and Humanities Cabinet, reorganization
HB 258

Executive Branch Ethics Commission, attach to Governor's Office
HB 257

Executive Department, pilot personnel programs
SB 221

Executive branch budget
HB 302

Executive department, personnel system
HB 522

Family Resources and Youth Service Centers
SB 53

Fin. and Admin. Cab., administering state leases
HB 88

Finance and Administration Cabinet, Division of Postal Services
HB 264

Flood Control Advisory Commission, staff
SB 344

Fund transfer, tax payments
HB 80

Governor's Office, transfer of coal marketing and export function
SB 74

Harold Bradley Allgood, memorial highway, naming
SJR 27

Higher Education Nominating Committee, appointment, Bingham, Barry J.
HCR 96

Higher Education Nominating Committee, appointment, Bingham, Barry Jr.
HCR 42

Higher Education Nominating Committee, appointment, Mann, Henry M.
HCR 95

STATE AGENCIES (Cont'd)

Infants and toddlers with disabilities, early intervention
HB 408

Information Systems, reorganization
SB 76

Information highway, state contracts for
HB 900

Insurance, coverage for boats
HB 744

Insurance, failure to act on insolvency
HB 335

Judicial retirement, contracts for services
HB 183

Justice Cabinet, reorganization
HB 268

KERA Evaluation Board, created
HB 256

Kentucky Children's Initiative, continued work of
HCR 63

Kentucky Educational Television Authority
SB 40

Kentucky Forest Products Council
HB 420

Kentucky Higher Education Assistance Authority
SB 12

SB 13

SB 24

Kentucky Higher Education Student Loan Corporation
SB 2

Kentucky Horse Park Commission, functions of
SB 193

Kentucky Housing Corporation
HB 175

HB 234

Kentucky State Nature Preserves Commission, plant protection
HB 349

Ky. Long-Term Policy Research Center Bd., Callico, Forrest Wayne, M.D.
HCR 43

Ky. Long-Term Policy Research Center Board, Douglass, Janice K.
HCR 24

Ky. Long-Term Policy Research Center Board, Ladt, Frederick C.
HCR 25

Ky. Long-Term Policy Research Center Board, McCowan, Robert T.
HCR 33

Ky. Long-Term Policy Research Center Board, Riehm, Joan
HCR 36

Ky. Long-Term Policy Research Center Board, appointment, Miller, Penny M.
HCR 40

LRC report on local government, deletion
HB 185

Lead agency for emergency medical services
HB 646

Leased space and offices, changes to
HB 93

Legislative Compensation Comm. members, report
HB 737

Legislative claims bill
HB 705

Long-Term Policy Research Center Bd. appointment, Hellard, Vic. Jr.
HCR 34

Long-Term Policy Research Center Board, appointment, Cook, Paul B.

ACTIONS OF THE 1994 GENERAL ASSEMBLY

STATE AGENICES (Cont'd)

HCR 39
 Long-Term Policy Research Center Board appointment,
 Beach, Charles III
 HCR 38
 Long-Term Policy Research Cntr. Bd. appointment,
 Griffin, Betty Sue
 HCR 35
 Long-term Policy Research Center Board appointment,
 Sexton, Robert F.
 HCR 41
 Lottery Corporation, omnibus revision
 HB 715
 Motor vehicle license and registration, denial
 HB 311
 Natural Resources & Environmental Protection Cabinet,
 hearings office
 HB 261
 Office for Information Resources Management, creation
 HB 56
 Office of Controller and Dept. of Local Government
 SB 277
 Office of Geographic Information, creation of
 HB 48
 Office of Historic Properties, reorganized as a division
 SB 75
 Office of State Veterinarian, reorganization
 SB 160
 Open meetings, extension of applicability to video
 teleconferences
 HB 315
 Open records law, format of public record, procedures
 HB 64
 Parole Board, nomination process and voting procedures
 SB 213
 Pascal Costanzo, Jr. memorial highway, naming
 HJR 52
 Personnel, military leave
 HB 851
 Public Advocacy, reorganization
 HB 262
 Public Service Commission, reorganization
 SB 73
 Public Service Commission, secretary, delete references
 to
 HB 320
 Quadrennial review of administrative regulations,
 repeal of
 HB 325
 Registry of Election Finance, reorganization order 93-29
 HB 259
 Reorganization, Finance and Administration Cabinet
 HB 267
 Revenue Cabinet, airline study
 HJR 82
 Revenue Cabinet, reorganization
 HB 263
 HB 488
 Revenue Cabinet, taxpayer ombudsman, qualifications
 HB 103
 Revenue cabinet, deposit of tax receipts
 HB 85
 Sealed bids, announce engineers estimate when opened
 HB 889
 Smoking policy
 SB 316
 Soil and Water Conservation Commission, cost-share
 fund
 HB 377

STATE AGENICES (Cont'd)

State Board for Elem. & Sec. Educ., high school
 athletics
 HB 490
 State Police, motor vehicle accident reports,
 confidentiality
 SB 351
 State executive branch budget memorandum
 HJR 28
 State police, educational requirements
 HB 864
 Transportation Cab., soc. sec. no. on drivers license,
 prohibition of
 SB 171
 Transportation Cabinet, administration of dealer plates
 HB 136
 Transportation Cabinet, reorganization, EO 93-1149
 HB 266
 Transportation, motor carriers, permit revocation
 HB 41
 Transportation, omnibus revision of road plan
 HB 648
 U.K. College of Agriculture, licensure of fertilizer
 HB 482
 Wood Products Competitiveness Corp.; Forest Prod.
 Coun., creation of
 HB 561
 Workforce Development Cabinet, omnibus revisions
 SB 305
 Workforce Development Cabinet, reorganization, Order
 93-593
 SB 93

STATE EMPLOYEES

Appeals process
 SB 61
 Department of Agriculture, Kentucky logo
 HB 395
 Disaster and emergency response activities
 HB 712
 General Assembly, session expense allowance, reduc-
 tion
 SB 10
 Insurance, operation of state boats
 HB 744
 Military leave
 HB 851
 Personnel system for executive department
 HB 522
 Property valuation administrators, CKA or SKA
 HB 513
 Taxpayer, ombudsman, qualifications
 HB 103
 Workforce Development Cabinet, omnibus revisions
 SB 305

STATE SYMBOLS AND EMBLEMS

State tree, designation change
 HB 128

STATUTES

Electronic versions, official status designation
 SB 301
 Reviser's bill, corrections to statutes
 HB 863
 Terminology relating to the handicapped
 HB 200
 Terminology relating to the handicapped, change in
 HB 417

ACTIONS OF THE 1994 GENERAL ASSEMBLY

STUDIES DIRECTED

Commission on poverty, interim study
SCR 74
Differences between classes of cities
HCR 47
Federal empowerment zones and enterprise communities
HCR 74
Independent contractors, interim study by Labor and Industry
HCR 60
Public assistance recipients, small business development project
HJR 91
School and district planning and reporting
SCR 84
School facilities planning process, State Board study of
SJR 82
Women owned businesses
SJR 68
Workforce training
SCR 86

SURFACE MINING

Coal combustion by-products disposal
SB 266
Electricity, use at mines, requirements, revision
HB 526
Mine reports, timing, change
HB 527
Natural Resources Cabinet hearings and definitions
SB 249
Permit, major revision, scope
HB 707
Surface mine re-mining
SB 208

TAXATION

Board of Tax Appeals, educational seminars
SB 175
Charitable gaming, regulation and taxation
HB 206
County license fee on auto rentals
HB 622
Excise, pari-mutuel wagering at county fairs
SB 320
Income, establishment of priority for income tax credits
HB 310
Income, state depreciation to federal, conformance
HB 298
Individual income, innocent spouse relief
HB 121
License tax, coin-operated vending machines, repeal
HB 122
Motor vehicle usage tax, wrecked vehicles
HB 13
Motor vehicles, payment of delinquent taxes
HB 40
Retail sales, informational reports
HB 106
Revenue Cabinet, reorganization
HB 263
HB 488
Sales and use, machinery for new and expanded industry & industry supplies
HB 455
Severance and minerals taxes, transportation expense
HB 337
Small and farm wineries, exemption from wholesale tax
HB 569

TAXATION (Cont'd)

Special fuels tax, agricultural exemption
HB 75
State economic development inducements, revisions
HB 511
Tax receipts, deposit of
HB 85
Taxation of illegal substances
HB 171
Taxpayer, ombudsman, qualifications
HB 103
U of L equine industry program, funding for
HB 386
Uniform civil penalties
HB 99
Wildlife income tax check off, amendment
HB 218
Withholding, electronic fund transfer
HB 80

TAXATION, INCOME--CORPORATE

Board of Tax Appeals, educational seminars
SB 175
Businesses, limit liability of
SB 184
Farming operations, credit
HB 483
IRC reference update
HB 107
Income, state depreciation to federal, conformance
HB 298
Priority for tax credits, establishment of
HB 310
State economic development inducements, revisions
HB 511
Statute of limitations
HB 297

TAXATION, INCOME--INDIVIDUAL

Board of Tax Appeals, educational seminars
SB 175
Child support withholding
HB 643
Farming operations, credit
HB 483
IRC reference update
HB 107
Income, state depreciation to federal, conformance
HB 298
Innocent spouse relief
HB 121
Pensions, tax reform
HCR 108
Priority for tax credits, establishment of
HB 310
Statute of limitations
HB 297
Wildlife income tax check off, amendment
HB 218

TAXATION, INHERITANCE AND ESTATE

Board of Tax Appeals, educational seminars
SB 175

TAXATION, PROPERTY

Agricultural deferred tax assessment
HB 31
Airline industry, assessment of
HJR 82

ACTIONS OF THE 1994 GENERAL ASSEMBLY

TAXATION, PROPERTY (Cont'd)

Appeal procedure
HB 307
Appraisal, foreclosed property
HB 99
Board of Tax Appeals, educational seminars
SB 175
Delinquent tax collection duties
HB 309
Fire protection subdistrict
HB 398
Hospital taxing districts, tax rate approval by fiscal court
HB 400
Property valuation administrators, CKA or SKA
HB 513
Railroad carlines, assessment and collection
HB 113
School facilities tax levy, additional amount
HB 810
Tax rates, setting of
HB 81
Unmined minerals, assessment of
HB 84

TAXATION, SALES AND USE

Board of Tax Appeals, educational seminars
SB 175
Electronic fund transfer
HB 80
Food, vending of taxable
HB 99
Informational reports
HB 106
Machinery for new or expanded industry and industrial supplies
HB 455

TAXATION, SEVERANCE

Board of Tax Appeals, educational seminars
SB 175
Transportation expense
HB 337

TEACHERS

Certification
HB 442
Conflict of interest, pecuniary interest with school district
SB 174
Crime reports by school officials
SB 112
Department of Education, elementary teachers, strategies to assist
HJR 62
Experience, definition for SEEK
HB 336
SB 133
Minority teacher recruitment
SB 131
Optional retirement plan, regional universities
HB 405
Primary program, alternative
HB 187
Professional development
HB 211
SB 162
Records, confidentiality and release
HB 176

TEACHERS (Cont'd)

Religious affiliation, prohibit required disclosure of
HB 35
Retirement Credit for Peace Corps Service
SB 81
School and district planning and reporting, study of
SCR 84
School calendar, inclement weather
SB 242
School day
HB 68
School employees, fringe benefits
SB 148
School-based decision making
HB 327
School-based decision making committees
SB 206
Sexual misconduct by professionals
HB 115
SB 107
Superintendents, screening committees, time of appointment
SB 132
Teachers' Retirement, omnibus revisions
HB 685
Weapons, possession on school property
HB 312

TOBACCO

Labor Fund, repeal of
HB 18
Seedlings, regulation of distribution
HB 519
Smoking policy for state and local governments
SB 316
Stalks, use for research
SB 138

TOURISM

Department of Parks, maintenance fund
HB 775
Kentucky Horse Park Commission, functions of
SB 193
Trains, excursion, insuring
HB 852
Transient room taxes in cities of the first class
HB 741

TRADE PRACTICES AND RETAILING

Business service highway signs, posting
SB 142
Charitable solicitation, regulation of
HB 474
Employees of alcoholic beverages licensees, ages of
SB 150
Fire, removal and going out of business sales, regulation of
HB 787
Packaging, use of Kentucky logo
HB 395
Trademarks and service marks, registration of
SB 141
Transient merchant laws, party to enforce
HB 222
Waste tire disposal restrictions, revision of
HB 399

TRAFFIC SAFETY

Bicycles, establishment of traffic regulations
SB 237

ACTIONS OF THE 1994 GENERAL ASSEMBLY

TRAFFIC SAFETY (Cont'd)

Cooperative agreements, forming
HB 558
Driver's license, student reapplication for
HB 533
Hazardous materials, shipping by federal government
HB 448
Insurance, requirement before transfer of vehicle
HB 639
Medical Review Board, establishing
SB 205
Motor vehicle accident reports, confidentiality
SB 351
Railroads and highway crossings, gating and closing
SB 146
Safety officers in urban-county
HB 401
Seat belts, use required
HB 215

TRAILERS AND RECREATIONAL VEHICLES

Manufactured homes, transportation of
HB 208
Transportation Cabinet, reorganization, EO 93-1149
HB 266

TRANSPORTATION

Acad. deficient students, prohibition upon use of driving record
HB 125
Architectural and engineering services, state procurement of
HB 242
Automobile recycling dealers, licensing
SB 228
Aviation Hall of Fame
HJR 3
Bicycles, establishment of traffic regulations
SB 237
Business service highway signs, posting
SB 142
Carl D. Perkins Parkway, naming
SJR 51
Coal transportation and misc. data, permit information
SB 214
Commercial license, third-party testing
HB 341
Commissioned employee rights
HB 531
Cooperative agreements, forming
HB 558
Country Music Highway, rename US 23
HJR 13
County plows, authorize to clear state roads
HB 814
Dealer plates, issuance, cancellation, and enforcement
HB 136
Driver's license, prohibition of use of social security number
SB 171
Harold Bradley Allgood, memorial highway, naming
SJR 27
Hazardous materials, shipping by federal government
HB 448
Insurance, requirement before transfer of vehicle
HB 639
Intrastate motor carriers, deregulation of
SB 33

TRANSPORTATION (Cont'd)

Issuance of expired driver's licenses for military personnel
HB 365
Manufactured homes, registration, elimination of
HB 208
Medical Review Board, establishing
SB 205
Motor carriers axle weight, increase
SB 85
Motor carriers, conditions for permit revocation
HB 41
Motor carriers, permits for hauling crushed automobiles
HB 47
Motor vehicle license and registration, denial, nonpayment child support
HB 311
Motor vehicle accident reports, confidentiality
SB 351
Motor vehicle titles, branding of
HB 225
Motor vehicle, Joint registration of
HB 19
Motor vehicles, dealer transfer of title
SB 106
Motor vehicles, payment of delinquent taxes
HB 40
Motor, fuels quality, state testing program
HB 135
Oppose federal mandate to revoke driver's license of drug offender
SJR 13
Public ways in cities, closure of
HB 651
Railroads and highway crossings, gating and closing
SB 146
Raise fees for issuing drivers licenses and permits
HB 539
Relocation of lines by school district, state to pay
SB 147
Road plan, omnibus revision of legislative oversight
HB 648
Sealed bids, announce engineers estimate when opened
HB 889
Seat belts, use required
HB 215
Sham company for highway construction
SB 55
Trains, excursion, insuring
HB 852

TREASURER

Electronic fund transfer, tax payments
HB 80
Executive branch budget
HB 302
Linked deposit loan program, creation of
SB 100
State executive branch budget memorandum
HJR 28
Tax receipts, deposit of
HB 85

UNEMPLOYMENT COMPENSATION

U.I., federal conforming amendments, administrative changes
HB 534

ACTIONS OF THE 1994 GENERAL ASSEMBLY

UNIFORM LAWS

Administrative hearings, uniform procedures
HB 334

UNITED STATES

Chemical munitions disposal facility, disposal of other waste

HB 650

Corps of Engineers, Section 401 permits

HB 633

Federal Correctional Institution, Manchester, concurrent jurisdiction

HB 3

Legal alien

SB 267

Oppose federal mandate to revoke driver's license of drug offender

SJR 13

UNIVERSITIES AND COLLEGES

College access program grants

SB 12

Council on higher education membership

HB 33

Deaf or hard of hearing, support services

HB 458

Governing boards, nonteaching employees representation

HB 154

State executive branch budget memorandum

HJR 28

Student loans

SB 2

U of L equine industry program, funding for

HB 386

VETERINARIANS

Rabies immunizations, fees

HB 652

Ratite, disease control

HB 140

WAGES AND HOURS

Legal work day increased to ten hours

HB 719

Minimum wage and overtime, exemptions

SB 271

Unpaid wages, liens

HB 660

WASTE MANAGEMENT

Chemical munitions disposal facility, disposal of other waste

HB 650

Coal combustion by-products disposal

SB 266

Kentucky Infrastructure Authority, revisions

HB 760

Low-level radioactive waste compact, amendment of

SB 52

Newspapers, require recycled content

HB 282

Pollution prevention through hazardous and toxic reductions

SB 268

Solid waste revolving fund, narrowed use of

HB 284

Waste tire disposal restrictions, revision of

HB 399

WATER SUPPLY

Agriculture water quality plans, require

SB 241

Financing by counties

HB 243

Interest on utility customer deposits

HB 318

Kentucky Infrastructure Authority, revisions

HB 760

Replacement during mining

HB 338

Water system expansions with federal financing, regulation of

HB 567

WATERWAYS AND DAMS

Section 401 certification

HB 633

WILLS AND ESTATES

Living will directives, requirements for

SB 311

WOMEN

Businesses owned by, study of

SJR 68

WORKERS' COMPENSATION

Employer, waiver of remedies to secure contract, prohibition

SB 284

Funding Commission, permission to invest in South Africa

SB 280

Health insurance exclusion

HB 551

Omnibus revision

HB 928

