

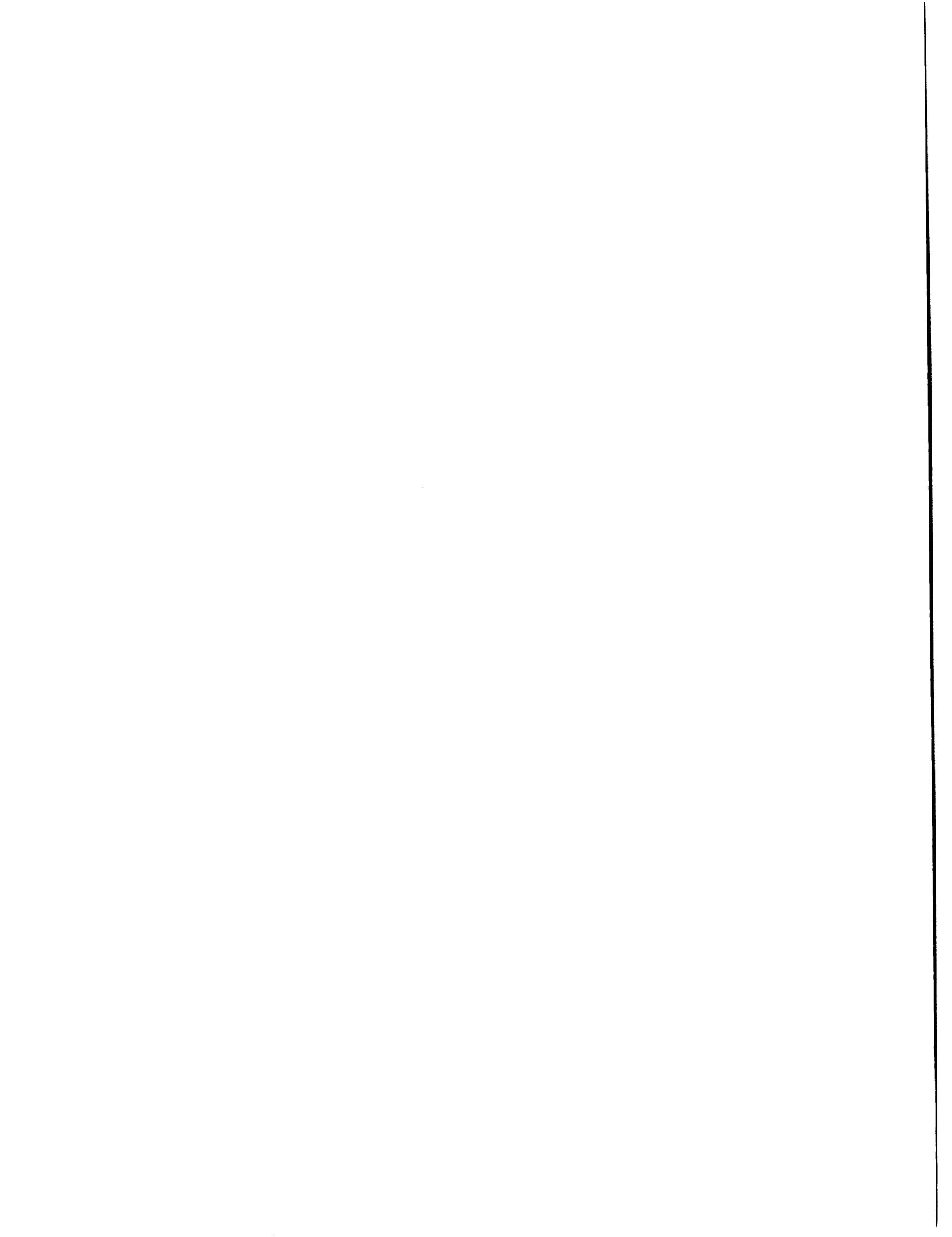
GENERAL ASSEMBLY ACTION

Regular Session 1996



Informational Bulletin No. 197

Legislative Research Commission
Frankfort, Kentucky



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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 1996

A Staff Summary of Legislative Enactments

Informational Bulletin No. 197

Legislative Research Commission
Frankfort, Kentucky
May, 1996

FOREWORD

The 1996 Regular Session of the General Assembly convened Tuesday, January 2, 1996, and adjourned sine die Monday, April 15, 1996, having met for sixty legislative days. During this session, 1,333 bills and 323 resolutions were introduced, including 402 Senate bills and 931 House bills.

Of the bills introduced, 103 Senate bills and 253 House bills passed both chambers and were delivered to the Governor. The Governor vetoed one Senate bill (SB 330). The Governor's veto was not overridden.

In addition, one Senate bill proposing a constitutional amendment was enacted and transmitted directly to the Secretary of State. Therefore, a total of 103 Senate bills and 253 House bills became law.

The Governor also received 27 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.

DON CETRULO
Director

The Capitol
Frankfort, Kentucky
May, 1996

**1996 REGULAR SESSION
BILL NUMBER TO ACTS CHAPTER TABLE**

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
HB 1	1	HB 145	293	HB 264	223	HB 377	378
HB 5	331	HB 149	62	HB 267	247	HB 378	379
HB 7	28	HB 151	136	HB 268	296	HB 379	380
HB 9	84	HB 154	195	HB 270	65	HB 381	251
HB 11	101	HB 159	221	HB 271	37	HB 383	68
HB 20	383	HB 160	175	HB 276	156	HB 389	299
HB 28	85	HB 161	104	HB 279	346	HB 394	252
HB 34	32	HB 163	294	HB 285	224	HB 395	230
HB 35	218	HB 166	63	HB 287	116	HB 397	110
HB 40	119	HB 167	295	HB 290	225	HB 399	58
HB 48	86	HB 168	52	HB 291	190	HB 400	198
HB 54	113	HB 175	30	HB 297	297	HB404	111
HB 59	102	HB 177	192	HB 298	332	HB 406	300
HB 68	160	HB 186	88	HB 299	248	HB 407	253
HB 71	71	HB 189	105	HB 300	365	HB 408	301
HB 73	50	HB 192	64	HB 302	72	HB 410	59
HB 77	18	HB 194	137	HB 303	226	HB 411	93
HB 80	51	HB 201	44	HB 304	249	HB 412	94
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HB 93	366	HB 206	138	HB 306	66	HB 416	254
HB 94	347	HB 207	106	HB 309	54	HB 427	162
HB 95	7	HB 208	222	HB 310	345	HB 428	142
HB 96	8	HB 210	245	HB 312	55	HB 430	95
HB 97	9	HB 212	15	HB 315	189	HB 433	43
HB 99	12	HB 214	23	HB 319	56	HB 435	302
HB 100	20	HB 215	139	HB 321	344	HB 439	341
HB 101	87	HB 216	246	HB 322	363	HB 441	255
HB 102	10	HB 218	89	HB 323	118	HB 442	69
HB 103	13	HB 220	35	HB 327	343	HB 443	143
HB 104	11	HB 221	112	HB 331	45	HB 446	96
HB 106	290	HB 225	191	HB 333	67	HB 447	144
HB 107	60	HB 226	374	HB 335	91	HB 448	256
HB 111	33	HB 229	29	HB 337	117	HB 461	145
HB 112	47	HB 233	107	HB 339	109	HB 464	146
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HB 120	22	HB 239	78	HB 351	250	HB 478	147
HB 126	373	HB 240	42	HB 357	227	HB 482	258
HB 130	153	HB 241	53	HB 358	342	HB 483	97
HB 132	240	HB 242	73	HB 359	161	HB 485	361
HB 133	103	HB 243	364	HB 363	26	HB 486	303
HB 134	135	HB 247	24	HB 372	27	HB 488	259
HB 135	155	HB 248	25	HB 374	228	HB 492	233
HB 137	220	HB 260	333	HB 375	229	HB 494	304
HB 144	61	HB 261	36	HB 376	92	HB 495	260

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
HB 504	114	HB 737	277	SB 84	241	SB 225	115
HB 513	158	HB 742	278	SB 86	164	SB 226	48
HB 518	231	HB 743	337	SB 87	362	SB 231	323
HB 519	232	HB 744	179	SB 88	315	SB 232	291
HB 522	181	HB 747	311	SB 92	77	SB 233	172
HB 528	159	HB 753	180	SB 97	204	SB 238	369
HB 535	261	HB 755	312	SB 100	165	SB 242	157
HB 536	262	HB 764	210	SB 101	167	SB 251	368
HB 537	263	HB 768	209	SB 105	99	SB 252	173
HB 538	264	HB 776	279	SB 107	31	SB 255	324
HB 541	148	HB 782	187	SB 108	375	SB 256	133
HB 543	339	HB 807	359	SB 111	3	SB 259	199
HB 544	234	HB 814	177	SB 112	316	SB 263	325
HB 547	265	HB 815	335	SB 118	98	SB 274	377
HB 556	235	HB 819	280	SB 137	38	SB 278	174
HB 563	266	HB 847	334	SB 143	317	SB 280	134
HB 564	236	HB 872	208	SB 146	100	SB 281	176
HB 568	305			SB 147	81	SB 284	288
HB 570	360	HCR 2	41	SB 152	125	SB 285	286
HB 574	149	HCR 14	281	SB 154	242	SB 288	289
HB 575	267	HCR 15	4	SB 157	203	SB 289	326
HB 578	268	HCR 22	282	SB 158	185	SB 290	287
HB 579	150	HCR 23	283	SB 160	352	SB 292	318
HB 580	151	HCR 24	284	SB 161	355	SB 303	327
HB 581	237	HCR 52	285	SB 162	351	SB 315	83
HB 582	238	HCR 76	196	SB 164	356	SB 343	371
HB 583	269	HCR 84	243	SB 169	178	SB 345	328
HB 584	270	HCR 97	193	SB 172	370	SB 352	329
HB 585	211	HJR 12	19	SB 176	202	SB 360	330
HB 588	306	HJR 49	381	SB 178	126	SB 361	367
HB 597	271	HJR 50	382	SB 179	319	SB 375	292
HB 599	239	HJR 72	357	SB 181	320	SB 395	349
HB 602	307	HJR 80	197	SB 182	168	SB 400	348
HB 603	217			SB 188	321		
HB 605	308	SB 1	2	SB 189	127	SCR 1	16
HB 607	338	SB 3	314	SB 190	128	SCR 2	17
HB 610	216	SB 18	163	SB 191	130	SCR 93	121
HB 611	336	SB 24	354	SB 192	350	SCR 94	207
HB 614	272	SB 37	39	SB 194	129	SCR 96	186
HB 617	215	SB 38	74	SB 196	201	SCR 103	206
HB 618	309	SB 49	353	SB 198	184	SCR 107	166
HB 620	273	SB 52	122	SB 199	82	SCR 134	313
HB 629	310	SB 54	79	SB 203	169	SJR 13	6
HB 634	154	SB 55	372	SB 204	183	SJR 26	5
HB 637	214	SB 56	49	SB 205	131	SJR 50	75
HB 655	213	SB 59	14	SB 212	376	SJR 83	120
HB 683	274	SB 60	40	SB 214	170		
HB 693	152	SB 63	123	SB 217	200		
HB 695	188	SB 65	124	SB 219	194		
HB 699	275	SB 66	76	SB 220	132		
HB 701	212	SB 68	205	SB 221	171		
HB 736	276	SB 78	80	SB 224	322		

SENATE BILLS

SB 1

AN ACT relating to senatorial districts and declaring an emergency.

(Plan S1052333) Repeals and reenacts various sections of KRS Chapter 5 to divide the state into thirty-eight (38) senatorial districts as follows:

DISTRICT 1: Calloway, Carlisle, Fulton, Graves, Hickman, and Trigg Counties; DISTRICT 2: Ballard, Marshall, and McCracken Counties; DISTRICT 3: Caldwell, Christian, and Todd Counties; DISTRICT 4: Crittenden, Henderson, Livingston, Lyon, Union, and Webster Counties; DISTRICT 5: Breckinridge, Grayson, Hart, Meade, and Ohio Counties; DISTRICT 6: Butler, Hopkins, McLean, and Muhlenberg Counties; DISTRICT 7: Bullitt and Jefferson (part) Counties; DISTRICT 8: Daviess and Hancock Counties; DISTRICT 9: Allen, Barren, Edmonson, Green, Metcalfe, and Simpson Counties; DISTRICT 10: Hardin and Jefferson (part) Counties; DISTRICT 11: Boone and Kenton (part) Counties; DISTRICTS 12-13: Fayette (part) County; DISTRICT 14: Larue, Marion, Nelson, Spencer, Taylor, and Washington Counties; DISTRICT 15: Adair, Casey, Pulaski, and Russell Counties; DISTRICT 16: Clinton, Cumberland, McCreary, Monroe, Wayne, and Whitley Counties; DISTRICT 17: Bell, Harlan, and Perry Counties; DISTRICT 18: Carter, Greenup, Lewis, Mason, and Robertson Counties; DISTRICT 19: Jefferson (part) County; DISTRICT 20: Franklin, Henry, Jefferson (part), Owen, and Shelby Counties; DISTRICT 21: Jackson, Knox, Laurel, and Rockcastle Counties; DISTRICT 22: Anderson, Boyle, Fayette (part), Jessamine, and Mercer Counties; DISTRICT 23: Kenton (part) County; DISTRICT 24: Campbell and Pendleton Counties; DISTRICT 25: Clay, Lee, Leslie, Magoffin, Menifee, Owsley, Rowan, and Wolfe Counties; DISTRICT 26: Carroll, Gallatin, Grant, Jefferson (part), Oldham, and Trimble Counties; DISTRICT 27: Boyd, Elliott, Lawrence, Martin, and Morgan Counties; DISTRICT 28: Bath, Clark, Estill, Fleming, Montgomery, and Powell Counties; DISTRICT 29: Breathitt, Floyd, Johnson, and Knott Counties; DISTRICT 30: Bourbon, Bracken, Harrison, Nicholas, Scott, and Woodford Counties; DISTRICT 31: Letcher and Pike Counties; DISTRICT 32: Logan and Warren Counties; DISTRICT 33: Jefferson (part) County; DISTRICT 34: Fayette (part), Garrard, Lincoln, and Madison Counties; DISTRICTS 35-38: Jefferson (part) County; amends KRS 5:010 to adopt definitions of precincts and census geography for any redistricting plan in KRS Chapter 5, rather than the plans enacted in 1991; creates a new section of KRS Chapter 5 to direct county boards of elections to redraw precinct boundaries as necessary within 45 days of the effective date; requires any action challenging the constitutionality of any legislative district created by KRS Chapter 5 to be brought in Franklin Circuit Court, which shall have exclusive venue in all matters relating to redistricting; directs that the Secretary of State be named as a defendant in those actions; permits the Legislative Research Commission to intervene as a matter of right in any action challenging the constitutionality of any legislative district created in KRS Chapter 5; GEOGRAPHIC INTEGRITY VERIFIED; EMERGENCY.

SB 3

AN ACT relating to child custody and visitation jurisdiction.

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Amends KRS 406.051, relating to district court jurisdiction in paternity cases, to provide concurrent jurisdiction with Circuit Court for determining child custody and jurisdiction; requires court to use KRS Chapter 403 principles including these determinations; permits a District Court to decline jurisdiction when the matter is more appropriate for Circuit Court; amends KRS 405.021 to specify that grandparent visitation rights are not to terminate upon termination of parental rights when it is in the best interest of the child to continue grandparent visitation rights; creates a new section of KRS Chapter 620, relating to abused and neglected children, to grant the District Court concurrent jurisdiction with the Circuit Court to determine matters of child custody and visitation ; and permits the court to recognize a grandparent as having the same standing as a parent for evaluating what custody arrangements are in the best interest of the child, if the child is residing with the grandparent in a stable relationship.

SB 18

AN ACT relating to absentee voting and declaring an emergency.

Amends KRS 117.085 to permit, rather than require, the appointed members of the county board of elections or their designees to serve, without compensation, as precinct election officers for absentee voting conducted in the county clerk's office for the twelve working days prior to an election and requires the county clerk or deputy clerks to supervise the absentee voting if the county board chooses not to do so; EMERGENCY.

SB 24

AN ACT relating to public buildings.

Creates a new section of KRS Chapter 58 to define "public building" as a building, or a portion of a building, with a capacity of ten thousand or more, owned or leased by a state or local governmental agency, as defined in KRS 58.010, in which the general public congregates to observe or participate in arts, sports, entertainment, and other types of assembly uses, as defined by the Kentucky building code; requires newly constructed public buildings to be equipped with twice the number of restroom facilities for use by women as it provides for use by men; applies requirement to new buildings, additions, or major renovations for which a contract is awarded after effective date.

SB 37

AN ACT relating to special license plates.

Amends KRS 186.173 to allow a "Kentucky National Guard License Plate" to be issued to a member, or a retired member, of the National Guard with 20 years of service instead of 25 years of service.

SB 38

AN ACT relating to the definition of schools for purposes of school-based decision making.

Amends KRS 160.345 to exempt from school-based decision making schools that conduct certain special programs exclusively including alternative, vocational-technical and special education programs.

SB 49

AN ACT relating to health insurance.

Amends KRS 304.17-412, 304.18-045, 304.32-147, and 304.38-225, relating to individual health insurance, group health insurance, non-profit health service corporations, and health maintenance organizations, to require patients and health care providers to be notified of their right to appeal adverse determinations of private review agents to reduce or deny payment of health benefits; amends KRS 205.623 to require all insurance companies licensed under KRS Chapter 304 to provide, upon request from the Cabinet for Human Resources, information on Medicaid eligible policyholders and dependents to be used to determine the availability of other medical benefits in order to ascertain that Medicaid is the payor of last resort; repeals KRS 205.627 relating to pro rata diminishment of the cabinet's subrogation claim for reimbursement.

SB 52

AN ACT relating to the joint operation of water sources.

Amends various sections of KRS 74.420 to 74.520, relating to the joint operation of water sources, to allow water associations, as well as cities and water districts, to participate in a joint water commission; defines water association; amends KRS 74.450 to delete the provision that a commission is a joint agency of the cities and water districts it represents, and to delete the prohibition that an officer or employee of a public body may serve as a commissioner of a water commission; amends KRS 74.490 to allow a water commission to supply water under contract to water distribution systems which are regulated by the Public Service Commission under the same terms as it may supply water to various public bodies which are not represented by the water commission; amends KRS 74.510 to specify that a water commission is not subject to jurisdiction of the Public Service Commission, rather than enumerate the types of Public Service Commission regulation from which the water commission is exempt; amends KRS 278.015 to exempt joint water commissions from regulation as public utilities.

SB 54

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

Amends KRS 198B.674 to exempt from the provisions of the Heating, Ventilation, and Air Conditioning Contractors' Act, the installation, service, repair, or replacement of liquefied petroleum units on heating, ventilation, and air conditioning systems by employees of persons licensed as liquefied petroleum gas dealers.

SB 55

AN ACT relating to campaign contributions and declaring an emergency.

Amends KRS 121.150(25) to limit the receipt of aggregate campaign contributions from executive committees of a political party in an election cycle to the same extent as receipt of aggregate PAC contributions are limited; provides that the limitations first apply to the election cycle ending on November 5, 1996; amends KRS 121.180 to provide that a candidate for any city or county office or for school board who has requested to be exempt from reporting either all or pre-election campaign finance reports may, without penalty, spend more than the amount for which the exemption

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request was granted and begin submitting the reports required for the amount of contributions that are eventually accepted in the election; and amends KRS 121.230 to require political party committees to report income tax checkoff funds received as a separate entry on the committee's campaign finance report, instead of requiring the party committee to deposit those funds in a separate bank account used exclusively for those funds; EMERGENCY.

SB 56

AN ACT relating to the regulation of voting and declaring an emergency.

Amends KRS 117.235 to permit a minor child, at the voter's discretion, to accompany the voter into the voting booth or other private area provided for voting; EMERGENCY.

SB 59

AN ACT relating to revenue forecasting.

Creates a new section of KRS Chapter 48 to provide that the general fund and road fund estimates, required by KRS 48.120 or any revision to the revenue estimates, be based on a consensus revenue forecast; provides for the selection of members of the consensus forecasting group; provides for the revision to the revenue estimates as needed; requires the Revenue Cabinet and Transportation Cabinet to provide revenue data needed for the forecast; provides procedures for a revenue estimate if a consensus revenue forecast cannot be reached; amends KRS 48.120 to conform.

SB 60

AN ACT relating to Circuit Court.

Amends KRS 23A.010 to allow establishment of a family court within the Circuit Court.

SB 63

AN ACT relating to management districts.

Amends KRS 91.750-91.762 to permit urban-county governments to form management districts for the purpose of providing and financing economic improvements that benefit properties within the district and specify that the areas that may be designated as districts include, but are not limited to neighborhoods and business districts.

SB 65

AN ACT relating to police and firefighters' retirement funds in cities of the second class.

Requires increases in the annuities of retired police and firefighters in cities of the second class granted under the provisions of KRS 95.859, to be given to all retired members of the fund rather than to members who have been retired for a period of three years; provides that a surviving spouse, child, or parent shall receive the same annual increases granted retirees, up to a total of 5 percent; permits the Board of Trustees of the Police and Firefighters' Retirement Fund in cities of the second class to meet quarterly, rather than monthly.

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SB 66

AN ACT changing the classification of the City of Smiths Grove, in Warren County.

Reclassifies the City of Smiths Grove, population 703, in Warren County, from a city of the sixth class to a city of the fifth class. As provided in Section 156A of the Kentucky Constitution, the population requirements for the classification of cities established by the former Section 156 of the Kentucky Constitution remain in effect until changed by law. Therefore, classification as a city of the fifth class requires a population of 1,000 to 3,000.

SB 68

AN ACT relating to solemnizing marriages.

Amend KRS 402.050 to permit judges and retired judges, except those removed for cause or convicted of a felony, to solemnize marriages; repeals KRS 402.060 requiring ministers to obtain a license from the county judge-executive to solemnize marriages; amends KRS 402.990 to conform.

SB 78

AN ACT relating to investigations of applicants for appointment as state police officers.

Amends KRS 16.040 to require the Commissioner of State Police to direct an investigation to determine an applicant's suitability for employment as an officer; deems the contents of the investigation to be subject to the Open Records Act, except that the identity of any witness or informant shall remain confidential; provides that revealing the identity of a witness or informant shall be subject to court subpoena power.

SB 84

AN ACT relating to Kentucky's African-American heritage.

Creates new sections of KRS Chapter 171 to establish the African-American Heritage Commission; establish members, terms, duties, and organization.

SB 86

AN ACT relating to oaths of office.

Amends KRS 62.020 to stipulate where to file a certification of administration of oath of office.

SB 87

AN ACT relating to education.

Amends KRS 160.345, relating to school-based decision making, to define parent; allows parents of students entering the school during the next school year to vote for the parent members on the school council; requires 6 hours of Department of Education endorsed training for new council members and 3 hours of training for council members who have 1 year of service; requires a favorable vote by a majority of at least 25 of the voting parents of students enrolled in a school as an additional condition for granting an exemption to implementing school-based decision making in a successful school;

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requires that teacher representatives be Kentucky residents; allows all teachers to vote for a minority teacher member and all parents to vote for a minority parent member; amends KRS 160.352, relating to the superintendent's screening committee, to allow all parents of students in a school district, rather than the parents of minority students, to vote for the minority member; creates a new section of KRS Chapter 7 to direct the Office of Education Accountability to attempt to gather all relevant information before reaching conclusions or making public any findings and provide an opportunity for the subject school district, agency, or individual to provide responsive information; confirms Executive Order 95-112 reorganizing the Department of Education by transferring the Division of the Kentucky School for the Blind and the Kentucky School for the Deaf from the Office of Regional Assistance to the Office of Learning Programs Development; establishes the Division of Minority Educator Recruitment and Retention in the Office of Teacher Education and Certification; renames the State Board for Elementary and Secondary Education the "Kentucky Board of Education."

SB 88

AN ACT relating to motor fuel taxes.

Amends KRS 138.348 to delete the requirement that refund gasoline and special fuel be sold in quantities of more than 50 gallons; amends KRS 138.344 to delete the prohibition on issuing refunds for individual purchases of less than 50 gallons of gasoline or special fuels; directs the Legislative Research Commission to study clean-fuel vehicles, clean-fuel refueling property, and the possibility of an income tax credit to promote clean-fuel vehicles and clean-fuel refueling property; require the study to be completed by July 31, 1997; requires the study to be presented to the Interim Joint Committee on Appropriations and Revenue.

SB 92

AN ACT relating to the Kentucky Lottery.

Amends KRS 154A.060 to require the Kentucky Lottery Corporation to submit its capital projects request to the Finance and Administration Cabinet prior to regular sessions; deletes language that exempts the corporation from including equipment purchases in the executive branch budget recommendations and budget bill; requires the corporation to include in its budget unit request a contingency plan for acquisition of equipment owned by vendors; permits the corporation, if it is unable to identify specific projects at the time it submits its budget unit request, to make a general request for equipment and to include in the request a maximum amount to be allocated for equipment.

SB 97

AN ACT relating to the judicial branch.

Amends KRS 23A.060 to increase from 6 to 8 the number of judges, as well as the number of divisions, in the Twenty-second Judicial Circuit; amends KRS 23A.040 to add a circuit judge to the Thirty-fourth Judicial Circuit; EFFECTIVE October 1, 1996.

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SB 100

AN ACT relating to state personnel performance evaluations.

Amends KRS 18A.112 to allow an employee 60, rather than 30, days to appeal a supervisor's evaluation.

SB 101

AN ACT relating to retirement.

Amends KRS. 16.505 to delete the definition for disability ratio and add definitions for recipient, last day of paid employment, and medical evidence; amends KRS. 16.576 to make a technical correction to internal references; amends KRS 16.578 to clarify that a single beneficiary for certain payment options must be a "person"; amends KRS 16.582, relating to disability, to add references to reasonable accommodations, clarify use of medical evidence, allow pre-existing conditions for persons with over 16 years of service; amends KRS 16.601 to clarify that "a" beneficiary means "only one" beneficiary; amends KRS 16.652 to stipulate affected provisions as of 9/16/93; amends KRS 61.510 to add definitions for recipient, last day of paid employment, and medical evidence; amends KRS 61.542 to restructure provisions for purposes of clarity; amends KRS 61.545 to clarify service purchasing provisions for 9-month employees; amends KRS 61.552 to specify that a beneficiary may repurchase a deceased member's service if done so within a year after the death and make technical amendments; amends KRS 61.596 to correct internal cross-reference; amends KRS 61.600 to add references to reasonable accommodations, clarifies use of medical evidence, allow pre-existing conditions for persons with over 16 years of service; amends KRS 61.630 to clarify provisions related to beneficiaries and provide that retirement allowances may be suspended if a member is missing and cannot be located; amends KRS 61.635 to clarify that a beneficiary for the beneficiary social security adjustment option must be a person; amends KRS 61.637 to clarify that reemployed persons do not include independent contractors and provide payment structure for reemployed state police employees who participate in hazardous and nonhazardous positions; amends KRS 61.640 to clarify that a single beneficiary in certain payment options must be a person; provides that the board's contracted auditing firm, rather than a board tabulating committee, handle board member elections; amends KRS 61.661 to allow KERS to submit documents rather than requiring personnel to testify in response to certain court orders; amends KRS 61.665 to include references to reasonable accommodations; amends KRS 61.685 to allow KERS to correct errors in records; amends KRS 61.692, 61.699, and 61.702 to make technical corrections; amends KRS 78.510 to redefine recipient for purposes of QDRO's; amends KRS 78.615 to clarify service credit earned by noncertified school board employees; amends KRS 78.625 to require agencies which are delinquent in submitting contributions to pay 8% interest; amends 78.852 to reflect the provisions of KRS 6.696 as effective 9/16/93; amends KRS 61.615 to allow a member who drew disability benefits which have been discontinued to draw an early retirement benefit which is not reduced by the disability benefits drawn; amends KRS 61.702 to add the provision that persons retiring under CERS or Judicial Retirement may combine service to qualify for health insurance coverage.

SB 105

AN ACT relating to domestic violence.

Amends KRS 403.750 to prohibit mediation in certain domestic violence cases; permits a domestic violence order to be valid for up to three (3) years instead of one (1) year; clarifies the circumstances in which an order may be reissued; clarifies the procedure for obtaining and renewing a Kentucky domestic violence or emergency protective order; creates various new sections of KRS Chapter 403.715 to 403.785 to require all orders for protection to be issued on a form prescribed by the Administrative Office of the Courts; creates a process for granting full faith and credit to protective orders issued by courts in other states which have been properly filed and authenticated in compliance with federal law; requires enforcement of the foreign protective orders; specifies when police may arrest on foreign domestic violence order; provides for inclusion of foreign domestic violence order in LINK computer system; provides for annual validation of foreign orders; provides for purging of nonvalidated orders; amends KRS 403.735 to require all courts to provide twenty-four (24) hour access to emergency protective orders and to establish local protocols which address access and joint jurisdiction issues within the judicial circuit; creates a new section of KRS Chapter 403.010 to 403.350 and amend KRS 403.740 to prohibit mediation in certain cases where there is a finding of domestic violence; and amends KRS 403.765 and 403.770 to conform.

SB 107

AN ACT relating to retirement.

Amends KRS 78.510 to include Circuit Clerks and Deputies, and qualified former circuit clerks and their deputies, in the definition of county offices for the purpose of inclusion in the County Employees Retirement System; creates a new section of KRS Chapter 78 to transfer service credit and member accounts from the Kentucky Employees Retirement System to the County Employees Retirement System; repeals KRS 61.521; amends KRS 61.552 to allow qualified employees participating in CERS to purchase service with a city, county, or joint city-county planning commission by paying the full cost of the service; amends KRS 6.525 to provide that a member of any state-administered retirement system who, due to a change in employment, moves to another state-administered retirement system and then returns to the original system, due to another change of employment, shall be deemed never to have left the original retirement system, for purposes of determining the date of entry into the original retirement system.

SB 108

AN ACT relating to confinement release notification.

Creates a new section of KRS Chapter 196 to require Department of Corrections to operate or contract for the operation of a prisoner release notification system; provides for notification of any person making a request for notification of adults, release of juveniles tried as adults, or youthful offenders from juvenile facilities; specifies that notifications under section are exempt from juvenile record confidentiality statutes; amends KRS 421.550 relating to causes of action for failure to notify crime victim to

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provide immunity from civil and criminal liability for failure to do so; amends various other sections to conform.

SB 111

AN ACT relating to presidential preference primaries and declaring an emergency.

Amends KRS 118.591 to permit a candidate to qualify to be on the ballot in a presidential preference primary of his political party by filing with the Secretary of State, in lieu of a nominating petition, documentation that the candidate has qualified for matching federal campaign funds or that the candidate is qualified to appear on the presidential preference primary ballot in at least 20 other states and to require that a candidate seeking to be on the presidential preference primary ballot of his political party file a signed notice of candidacy with the Secretary of State; and amends KRS 118.601 and KRS 118.621 to conform; EMERGENCY.

SB 112

AN ACT relating to the Kentucky Community Crisis Response Board.

Creates new sections of KRS Chapter 42 to define terms; creates the Kentucky Community Crisis Response Board within the Finance and Administration Cabinet; establishes membership of the board and qualifications for board members; requires appointment of board members; establishes term limits for board members; provides for filling of vacancies; establishes meeting and quorum requirements; except for staff, specifies no compensation of board members but provides for reimbursement expenses; establishes duties and responsibilities of the board; specifies that members of the local and community crisis response teams shall be represented in civil actions by the Attorney General; specifies that government employees who volunteer on the local or community crisis response teams retain the same powers, duties, rights, privileges, and immunities as a government employee; and amends KRE 506 to include members of the local and community crisis response teams and specifies that recipients of assistance are clients within the meaning.

SB 118

AN ACT proposing an amendment to Sections 180 and 187 of the Constitution of Kentucky relating to government.

Proposes to amend Section 180 of the Kentucky Constitution to delete the authority to levy a poll tax; proposes to amend Section 187 to delete the requirement that public schools be segregated by race; and submits the proposed amendment to the voters.

SB 137

AN ACT relating to the use, sale, and distribution of tobacco products, and declaring an emergency.

Creates and amends various sections of KRS Chapter 438 to require any person selling or distributing tobacco products to require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective buyer or recipient is under the age of eighteen; prohibits a person who has not attained the age of eighteen

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from purchasing or accepting receipt of or attempting to purchase or accept receipt of a tobacco product, or from offering fraudulent proof of age for the purpose of purchasing any tobacco product; provides one-tenth of one cent of the revenue collected by the Revenue Cabinet from the state excise tax on the sale of cigarettes to the Department of Agriculture for enforcement; establishes and increases various fines; allows an exception to the prohibition against persons under 18 purchasing tobacco products, so that the sting provisions in KRS 438.330 will not be affected; EMERGENCY.

SB 143

AN ACT relating to property tax administration.

Amends KRS 132.260 to require only persons providing rental space for the parking of mobile homes and recreational vehicles to report those homes and vehicles which are not registered in this state, and which are parked in the facility to the county PVA on a yearly basis; allows PVA to make inspection of the facility; deletes provision which requires persons providing storage for personal property or rental space for parking mobile homes and recreational vehicles to report all property held on the premises and the names of the owners to the PVA.

SB 146

AN ACT relating to wages and hours.

Amends KRS 337.010, relating to employees covered by the minimum wage law, to specifically exempt from the definition of "employee" those persons who provide twenty-four hour residential child care on the employer's premises.

SB 147

AN ACT relating to children.

Amends KRS 199.894 to exempt from child day care licensure those facilities which are operated for the purpose of providing services as a youth development center; specifies the exemption applies only to tax-exempt programs with IRS 501(c)(3) status which operate outside-school-hours, continuously throughout the year, to offer programs to youth six (6) years of age and older, and for which there are no fee or scheduled care arrangements with the parent or guardian of the youth served; and creates a new section of KRS Chapter 156, relating to education, to require the Department of Education to develop alternate approval procedures for determining eligibility of certain nonregulated facilities serving children for the federal food programs administered by the department.

SB 152

AN ACT relating to teachers' scholarships.

Amends KRS 164.769 to require a highly qualified student to demonstrate financial need as a condition of receiving a teacher scholarship except for those who received a scholarship prior to July 1, 1996; defines "expected family contribution" as the amount a student and his family are expected to contribute toward the cost of the student's education; allows scholarships to eligible students seeking admission to teacher preparation programs when funds are available; limits the aggregate amount of

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scholarships awarded to an undergraduate student to \$12,500 and to a graduate student to \$7,500.

SB 154

AN ACT relating to narcotic treatment programs.

Amends KRS 222.005, relating to alcohol and other drugs, to define "narcotic treatment program"; amends KRS 222.231, relating to licensure of alcohol and drug abuse programs, to require the licensure of narcotic treatment programs and requires the Cabinet for Human Resources to promulgate administrative regulations to establish standards of operation; sets forth minimum requirements to be included in administrative regulations.

SB 157

AN ACT relating to energy efficiency in local public agency buildings.

Creates a new section of KRS Chapter 45A to state the intent of the Act; amends KRS 45A.345 to add definitions for "energy efficiency measure", "guaranteed energy savings contract", and "qualified provider"; creates a new section of KRS Chapter 45A to allow local public agencies to enter into a guaranteed energy savings contract which is specified in bill; specifies when and how a qualified provider is chosen; requires bonding of qualified provider; creates a new section of KRS Chapter 45A to require local public agencies to include payments in the annual budget, and allows a contract to extend beyond the fiscal year in which it becomes effective; requires the local public agency to document cost savings and appropriates the amount as payment, and if savings are less than projected by the contract, requires qualified provider to make up difference; permits a local public agency to enter into a lease-purchase agreement with qualified provider following all other appropriate laws; amends KRS 337.010, to except buildings constructed as institutions of learning from the definition of public works, and provides that the provisions do not apply to construction conducted by school districts, if the construction is financed with 50% or more of state funds.

SB 158

AN ACT relating to motor vehicle operator's licenses and photo identification cards.

Amends KRS 186.412 and 186.413, relating to issuing a driver's license, to prohibit an applicant from wearing any attire that would obscure the applicant's face, as determined by the Circuit Clerk, when having a driver's license photo taken; authorizes the circuit clerk to require an applicant to remove any attire the clerk determines hinders identification of the applicant; prohibits a person from being issued an operator's license if the person is directed by a clerk to remove hindering clothing and the person refuses; allows a circuit clerk to issue non-driver's photo identification cards to persons who may not have a permanent resident address.

SB 160

AN ACT relating to motor vehicle ad valorem taxes.

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Amends KRS 134.805 to provide that when ad valorem taxes become delinquent for 60 days, a second notice shall be sent to the January 1 owner of record; provide that the notice shall inform the delinquent owner of the lien provisions; amends KRS 134.810 to waive penalty if motor vehicle ad valorem tax is paid within 5 days of being declared delinquent.

SB 161

AN ACT relating to workers' compensation.

Amends KRS 342.270 by exempting professional athletes, coaches, or trainers hired outside this Commonwealth by an employer domiciled in a foreign state from the Kentucky workers' compensation law, while working in Kentucky temporarily, if the foreign employer has secured coverage in the foreign state, and by making the workers' compensation benefits provided by the foreign state the exclusive remedy against the employer; adds new sections of KRS Chapter 342 relating to claimant records and mediation; amends other sections of KRS Chapter 342 by: extending responsibility for timely payment of medical services to payment obligor; codifying medical fee schedule for physicians; requiring filing of reports in manner prescribed by the commissioner; requiring the party responsible for paying benefits to report termination of payments; requiring the commissioner of the Department of Workers' Claims to adopt life and remarriage tables; requiring the workers' compensation board to enter a decision within 60 days from the date the last appellate brief was filed; authorizing an ALJ, the workers' compensation board, or any court to order restitution for fraud; limiting fees of appointed medical providers to fee schedules; prohibiting adjustment of spirometric test results on the basis of race; eliminating sunset date for 24-hour coverage and integrated management pilot projects; making technical correction relating to insurance filings; prohibiting employer from requiring an employee to file rejection notice as a condition of employment; conforming the workers' compensation hearing procedures on citations to KRS 13B; requiring an ALJ to issue ruling on contested citations within 60 days of the hearing and in conformance with KRS 13B; and by conforming penalty provisions to apply to payment obligor, provide penalty for: failure to maintain coverage required by KRS Chapter 342, make timely benefit payments, comply with data reporting provisions, and for violating employee rejection provisions.

SB 162

AN ACT relating to assisted living facilities.

Creates a new section of KRS Chapter 209 to define "assisted living residence"; defines "apartment", "home-style housing unit", and "supportive services"; authorizes voluntary certification of assisted living residence; authorizes other supportive services, including but not limited to assistance with health related services, to be arranged through a licensed or cabinet approved service provider; provides that no medical assistance or general fund moneys shall be used to pay for new classifications of services authorized by this section; permits payment for services in assisted living facility if services would otherwise be eligible for payment if not provided in assisted living residence; prohibits use of Medical Assistance or general fund moneys for payment of services authorized by

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Act; amends KRS 216B.020 to exempt assisted living facilities from certificate of need requirement.

SB 164

AN ACT relating to highways, streets, and bridges.

Amends KRS 189.270 to eliminate some annual permits for over dimensional and overweight motor carriers; retains sixty dollar (\$60) trip permits except for twenty dollars (\$20) for manufactured homes fourteen (14) feet wide or less, and forty dollars (\$40) for homes exceeding fourteen (14) feet in width; names the proposed truck bypass around Mayfield, Kentucky the "Dick Castleman Truck Bypass" and the bridge on US Highway 27 over the Kentucky River near Camp Nelson the "Loyd Murphy Memorial Bridge".

SB 169

AN ACT relating to testimony in child sexual abuse cases.

Amends KRS 421.350 relating to testimony of child witnesses, to delete provisions relating to the recording of oral statements and to require a compelling need for the child to testify outside the presence of the defendant; permits other persons in a courtroom when a child is testifying only if the Court finds that they will contribute to the welfare and well-being of the child. changes the standard for the child's testimony provision to require a judge to find a "probability that the child would be unable to reasonably communicate because of serious emotional distress produced by the defendant's presence."

SB 172

AN ACT relating to planning and zoning.

Amends KRS 100.201 to include the designation of specifically defined areas called urban residential zones and defines what the zones shall be; permits regulation on a structure-by-structure basis; and amends KRS 100.131 to require fiscal court approval for the extraterritorial jurisdiction of cities to regulate subdivisions and other land use beyond their boundaries.

SB 176

AN ACT relating to legal proceedings.

Amends KRS 418.075 to create a notice provision relating to appeals; requires notification of the Attorney General of appeal actions which involve the constitutionality of a statute; requires Attorney General to notify LRC of such proceedings and final judgment, if the Attorney General is a party to that action; amends KRS 15.020 to require the Attorney General to communicate with the LRC as required by KRS 418.075; amends KRS 411.051 to provide that a person may bring an action for damages for the publication of a defamatory statement whether printed in a newspaper, magazine or periodical.

SB 178

AN ACT relating to advisory boards of community colleges.

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Amends KRS 164.600, relating to community college advisory boards, to delete the requirement that the faculty and student members be nonvoting members.

SB 179

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

Amends KRS 64.345 which requires a city of the first class or urban-county form of government to have necessary office expenses and the number of deputies and assistants for sheriffs and county clerks to be approved by the fiscal court and signed by either the county judge/executive or the mayor; adds language to clarify references to the executive authority and legislative body in urban-counties; creates a task force to study local government taxing structures and make recommendations for legislative measures that may improve them.

SB 181

AN ACT relating to retirement.

Amends KRS 61.691 to provide an annual increase based on the CPI, but not to exceed 5 percent (5%), to participants of KERS, CERS, and SPRS; restricts actuarial evaluations for the employer contribution rates to the cost of increases granted as of the most recent valuation date; provides that the annual increments are exempt from inviolable contract provisions of retirement laws.

SB 182

AN ACT relating to lead hazards.

Creates various new sections of KRS Chapter 211, relating to state health programs, to define "lead-hazard detection", "lead-hazard abatement"; defines "child-occupied facility" as a building constructed prior to 1978 in which a child six years old or under spends at least three hours a day or two days a week; defines "target housing" as any housing constructed prior to 1978, except housing for the elderly or disabled persons, in which no child less than six years old resides or is expected to reside; apply certification requirements to persons performing lead-hazard detection or abatement in target housing or child-occupied facilities; requires all persons who perform or offer to perform lead-hazard detection or abatement services in child occupied facilities or target housing; requires the Department for Health Services to create and administer the certification program and promulgate administrative regulations to establish the training and testing requirements for certification; require a permit for every lead-hazard abatement service performed; requires the Department for Health Services to respond to permit applications no later than seven days after receipt of the application and fee; requires the quality assurance inspection to be conducted no later than seven working days after the department receives notice that lead-abatement at the site has been completed; permits the permit holder to begin construction or renovation if the department does not meet the seven-day deadline; permits the department to enforce the program; require all training programs providing or offering to provide an educational program designed to prepare persons for certification in lead-hazard detection or abatement services to be accredited; requires the department to create and administer an accreditation program and promulgate administrative regulations to establish the

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requirements for accreditation and to enforce the program; permits the department to establish a schedule of fees for permits and for the functions performed by the certification and accreditation programs; requires permit fees for lead-abatement services performed by local governments to be adjusted to reflect the number of abatement jobs performed annually by the local government; requires the funds collected from the fees to be paid into a trust and agency account to be used by the department to carry out the programs; recognizes the certification or accreditation of another state under certain circumstances; requires compliance with the applicable rules and regulations of the United States Department of Housing and Urban Development, United States Occupational Safety and Health Administration, the United States Environmental Protection Agency and other applicable federal agencies with jurisdiction; requires the department to establish, by administrative regulation, the standards for performing lead-hazard activities; allows the department, within budget limitations, to conduct a public education and awareness campaign on the nature and consequences of lead hazards; and establishes penalties.

SB 188

AN ACT relating to financial reporting by special districts.

Amends KRS 65.070 to specify that special districts file uniform financial information reports and other organizational information by May of each year to the Department of Local Government and other local officials; and amends KRS 65.905 to conform with new reporting date of May 1.

SB 189

AN ACT relating to fire protection districts.

Amends KRS 75.020 relating to fire protection districts to permit the merger of fire protection districts or volunteer fire department districts by a county judge/executive upon petition of the respective districts as prescribed; requires a public hearing regarding the merger if 51% of the owners of property in the area to be merged petitions against the merger; prohibits alteration of boundaries of newly merged districts for two years; permits appeal of the merger to Circuit Court; limits the tax liability of property in newly merged districts from previously incurred debt as prescribed; amends KRS 75.031 relating to the board of directors of a fire protection district to provide that only 1 of the 2 firefighter trustees on the board may be an employee of a fire protection district or volunteer fire department district and makes other conforming changes; requires elected trustees to be 21 years of age; provides for removal from office for cause; requires the approval of the fiscal court for removal as prescribed; permits appeal of removal to the Circuit Court; requires the election of board of trustee members to be held annually on the fourth Saturday of June between 11 a.m. and 2 p.m.; permits mailing of election notices in lieu of publication as prescribed; amends KRS 75.040 to establish the criteria for the creation, maintenance, and operation of a fire protection district or volunteer fire protection district and permits the fire protection district to provide emergency medical services as prescribed; amends KRS 75.100 relating to fire protection districts to redefine "employees," "members," and "salary," and defines "regular firefighters," "paid firefighters," and "volunteers;" amends KRS 75.130 relating to the disciplining and

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removal of members and employees of fire protection districts, permits charges to be filed by any person but requires investigation by the chairman of the board of trustees to determine probable cause, requires the chairman of the board of trustees to prefer charges to the full board if probable cause exists; permits charges to be heard by the full board or appointed committee, requires specified information to be provided to the accused as prescribed, permits the board to subpoena and compel witnesses, requires written, public records of the hearing to be maintained, and permits the board of trustees to fix the punishment of a member or employee found guilty as set out; amends KRS 75.140 relating to appeals from actions of a fire protection district board of trustees to permit appeals to the Circuit Court and Court of Appeals as prescribed; amends KRS 75.150 relating to political activities of members and employees of fire protection districts to permit specific activities while off duty and out of uniform; and amends KRS 75.170 relating to oaths of members of fire protection districts to require these oaths to be taken before the county judge/executive or a notary public.

SB 190

AN ACT relating to the Office on Alzheimer's Disease and Related Disorders.

Creates new sections of KRS Chapter 194 to define "cabinet", "council", "dementia", and "office"; establishes the Office on Alzheimer's Disease and Related Disorders to oversee information and resources related to policy and services for persons with dementia; requires office to recommend delivery of services in most effective and efficient manner possible, to secure funding, to promote public awareness, and to oversee council; establishes the 15 member Alzheimer's Disease and Related Disorders Advisory Council; requires council to select director of office to establish goals, and to assist with dissemination of information.

SB 191

AN ACT providing for the adoption of revised articles of the Uniform Commercial Code and making changes incidental thereto.

Repeals and reenacts various sections of Articles 3 and 8 of KRS Chapter 355, and create additional new sections to effect an omnibus revision of Article 3, negotiable instruments, and Article 8, investment securities, of the Uniform Commercial Code, encompassing amendments to the uniform language of the code adopted by the Editorial Board of the American Law Institute and the National Conference of Commissioners on Uniform State Laws; amends KRS 164.740, 355.1-207, 355.2-511, 355.5-103, and various other sections of Articles 1, 4, 5, 9, and 11 of KRS Chapter 355; repeals KRS 355.3-120, 355.3-121, 355.3-122, 355.3-208, 355.3-506, 355.3-507, 355.3-508, 355.3-509, 355.3-510, 355.3-511, 355.3-606, 355.4-109, and numerous sections of Article 8 of KRS Chapter 355; EFFECTIVE January 1, 1997.

SB 192

AN ACT relating to student financial assistance.

Amends KRS 164.742 to allow the Kentucky Higher Education Assistance Authority to adopt an assumed name in its corporate capacity when doing business in another state; directs the boards of the Kentucky Higher Education Assistance Authority

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and the Kentucky Higher Education Student Loan Corporation to submit a plan to the Governor, the Legislative Research Commission, and the Finance and Administration Cabinet, by January 1, 1997, relating to the future organization and operation of the respective agencies; requires the plan to provide detailed information on proposed new or expanded businesses or services, the financing of these businesses or services, and the proposed and transitional personnel system necessary for implementing these businesses or services; amends KRS 164.746 to change the term of the chairman and chairman-elect from 2 years to 1 year; deletes requirement that board members be notified 10 days in advance of a board meeting; allows board to conduct meetings via technological means; requires administrative regulations pursuant to KRS Chapter 13A if a rule would affect the general public and by-laws and policies governing its internal affairs and conduct of its business; amends KRS 164A.010 to conform with federal law related to the insurance reimbursements payable to holders of student loans; amends KRS 164A.020 to require a minimum of 95% insurance reimbursement to holders rather than 98%; amends KRS 164A.060 to authorize the Kentucky Higher Education Student Loan Corporation to service and collect educational loans for other lenders, holders, and educational institutions; amends KRS 164A.080 to authorize the corporation to continue to issue bonds or notes for student loans during the interim between legislative sessions if federal legislation should reduce the maximum rate of insurance payable by the guarantee agency, or to offer reinsurance on insured loans if certain actions are taken; exempts the agencies from the personnel limits established by KRS 18A.010 and the biennial budget and related documents; requires the Interim Committee on Education and the Capital Projects and Bond Oversight Committee to study the organizational structure, duties, and responsibilities of the Kentucky Higher Education Assistance Authority and the Kentucky Higher Education Student Loan Corporation.

SB 194

AN ACT relating to conservation districts.

Creates a new section of KRS Chapter 262 to set forth the process by which two or more conservation districts may consolidate; requires a unanimous vote by the conservation district board of supervisors to consolidate.

SB 196

AN ACT relating to civil practice.

Repeals KRS 454.130 to permit the service of a summons or subpoena on a holiday or Sunday; amends KRS 454.135 to conform.

SB 198

AN ACT relating to the establishment of a university track program within the community colleges.

Amends KRS 164.020 to require the Council on Higher Education to establish in the community college system a university track program consisting of 60 hours of instruction that can be transferred and applied toward the requirements for a bachelor's degree at the public universities; requires all major and baccalaureate degree program

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tracks in the community colleges be established by the fall semester of 1997 for majors in arts and sciences, business, communications, education, and engineering.

SB 199

AN ACT relating to cosmetology.

Amends various sections of KRS Chapter 317A to change "manicuring" and "manicurist" to "nail technology" and "nail technician" respectively; clarifies that the practice of nail technology is under the purview of the Kentucky Board of Hairdressers and Cosmetologists; requires board members to be compensated for expenses incurred in performing duties of the board; clarifies that nail technicians and nail salons are licensed and subject to the rules of the board; requires continuing education beginning July 1, 1997; establishes a renewal fee and restoration fee for nail salons and nail technicians; makes technical changes.

SB 203

AN ACT relating to insurer liquidation.

Amends KRS 304.33-330 on insurer liquidation to delete the prohibition of a set-off or counterclaim where the obligation of the person is to pay premiums to the insurer; allows the set off of a premium due to or from the insurer pursuant to a reinsurance contract under certain circumstances.

SB 204

AN ACT relating to insurance.

Amends KRS 304.33-010 to delete provision that allows provisions in insurance code on liquidation of insurers to override any contractual provisions between insurer and third party, including choice of law or arbitration provisions; permits contractual arbitration clauses contained in reinsurance agreements to be facilitated in any delinquency proceeding.

SB 205

AN ACT relating to arbitration.

Amends KRS 417.050 to provide that KRS Chapter 417 on arbitration does not render invalid contractual arbitration provisions between two or more insurers, including reinsurers.

SB 212

AN ACT relating to optometry.

Amends KRS 320.210 and 320.240, relating to the practice of optometry, to expand authority of optometrists to prescribe topical pharmaceutical agents to include oral medications except for Schedule I and II controlled substances; limits optometrist's authority to prescribe a Schedule III, IV, or V controlled substance to prescriptions for a quantity sufficient to provide treatment for up to 72 hours; prohibits refills of prescriptions for a controlled substance by an optometrist; authorizes optometrists to use injections for medications to counteract anaphylaxis or anaphylactic reactions; amends

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KRS 218A.010, relating to controlled substances, to include optometrists in the definition of practitioner.

SB 214

AN ACT relating to crimes and punishment.

Creates a new section of KRS Chapter 434, relating to offenses against property by fraud, to establish the crimes of falsifying educational records, and selling, buying, presenting, or using false educational documents and false written representations of educational achievement to obtain jobs, awards, or admission to an educational program; and classifies the crime as a Class A misdemeanor.

SB 217

AN ACT relating to special license plates.

Creates a new section of KRS Chapter 186, relating to the licensing of motor vehicles, to create a special license plate for active and retired professional firefighters and the Knights of Columbus; establishes an initial fee of \$50 in addition to the normal registration fee; requires 900 requests before the Transportation Cabinet must begin printing the plates; dedicates \$50 state fee to a fund to offset computer programming costs; amends KRS 186.174 to clarify that a person may renew an application for a personalized license plate by mail; deletes the requirement for a personalized license plate to be issued every year unless an applicant changes the message on the plate.

SB 219

AN ACT relating to economic development

Amends various sections of KRS Chapter 42 to include limited liability companies and limited liability partnerships in the definition of "industrial firm"; amends various sections of KRS 45.001 to remove the secretary of the Economic Development Cabinet from the Joint Frankfort, Franklin County, Commonwealth of Kentucky Planning and Coordinating Committee; amends KRS 58.215 to remove the secretary of the Economic Development Cabinet from the Capital Plaza Authority; amends KRS 141.310 to allow employers who assess a job development fee to offset a portion of the assessment against the employee's state income tax; amends sections of KRS 141 to include a limited liability company and registered limited liability partnership under the definition of approved companies; amends KRS 151B.215 to remove the secretary of the Economic Development Cabinet from the Kentucky Occupational Information Coordinating Committee; amends KRS 151B.220 to remove the secretary of the Economic Development Cabinet from the Kentucky Job Training Coordinating Council; amends KRS 153.530 to remove the secretary of the Economic Development Cabinet from the Citizens Advisory Commission on Kentucky Films; amends KRS 154.01-010 to include registered limited liability partnership and limited liability company in definitions of agribusiness, industrial entity, and person; amends KRS 154.10-010 to place the secretary of the Tourism Development Cabinet on the board of the Kentucky Economic Development Partnership; amends KRS 154.12-204 to include business or industry in definition of applicant, and include limited liability company and registered limited liability partnership in definition of business and industry; amends KRS 154.12-205 to

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place the chancellor of the University of Kentucky Community College System on the board of the Bluegrass State Skills Corporation, and to set compensation for members of the board; amends KRS 154.12-206 to allow the board to certify or decertify skills training providers; amends KRS 154.12-252 to remove the secretary of the Economic Development Cabinet from the Coal Marketing and Export Council; creates a new section of KRS 154.20 to allow the authority to employ fiscal consultants and others deemed necessary to prepare and implement necessary documents, and requires the beneficiaries of financial assistance to pay the fees, and allows the authority to impose and collect fees and penalties for delinquent payment of fees; amends KRS 154.22-010 to include an individual and a limited liability company, a fiduciary of a trust and a limited liability company, and a registered limited liability partnership in the definition of "affiliate," and to define "agribusiness"; amends KRS 154.22-010 to include the acquisition of real estate in the definition of "economic development project," and make other technical changes; amends KRS 154.22-040 to require an economic development project to have a minimum investment of \$500,000 and generate at least 15 new full-time jobs for Kentucky residents at the project site; amends KRS 154.22-050 to require that bond and loan proceeds be spent by the approved company within 3 years of the date of the financing agreement; creates a new section of KRS 154.22 to specify the requirements of companies that receive eligibility and approval designations before and after June 30, 1997; amends KRS 154.24-010 to set a maximum approved cost of \$10,000 per new full-time job created and held by residents of Kentucky, and adds limited liability company and registered limited liability partnership to the definition of "eligible company," and defines "preliminary approval"; amends KRS 154.24-110 to set forth provisions for the job assessment fee; amends KRS 154.24-140 to specify that jobs must be created at the site of the economic development project; amends KRS 154.24-150 to maintain the ratio between local occupational license fees and job assessment fees; amends KRS 154.26-010 to define "agribusiness," "final approval," and "preliminary approval"; amends KRS 154.26-080 to specify distinctions between eligible and preliminarily approved companies; amends KRS 154.26-090 to require that the proceeds of loans or other financing be expended within five years from the date of the revitalization agreement; amends KRS 154.26-100 to require the Revenue Cabinet to certify within 90 days from the receipt of the tax return of an approved company the company's income tax liability; amends KRS 154.28-010 to define "agribusiness," and to include limited liability and registered limited liability partnership in the definition of "affiliate," and includes the acquisition of real estate in the definition of "economic development project"; amends KRS 154.28-080 to require than an economic development project involve a minimum investment of \$500,000 and create a minimum of 15 new, full-time jobs for Kentucky residents; amends KRS 154.28-090 to specify the terms of financing agreements and assessments; creates a new section of KRS 154.28 to allow approved companies to require job development assessment fees equal to 2% of gross wages of each employee whose job was created as a result of the project; amends KRS 154.50-320 to require contracts selling land by local industrial authorities to private organizations or industries to provide for reconveyance of property to the authority if construction is not commenced within ten years of the conveyance; amends KRS 176.500 to remove the secretary of the Economic Development Cabinet from the Mississippi River Parkway Commission;

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amends KRS 183.132 to remove the secretary of the Economic Development Cabinet from the air board; amends KRS 224.01-210 to remove the secretary of the Economic Development Cabinet from the Environmental Board; amends KRS 224.46-315 to remove the secretary of the Economic Development Cabinet from the board of the Center for Pollution Prevention; amends KRS 262.875 to remove the secretary of the Economic Development Cabinet from the board of the Interagency Farmland Advisory Committee; amends KRS 281.900 to remove the secretary of the Economic Development Cabinet from the board of the Kentucky Motor Carrier Advisory Committee; creates a new section of KRS Chapter 224 and declares that the intent of the General Assembly is to encourage economic development by allowing the issuance of a No Further Remediation Letter to a public entity for a site when the remediation plan has been successfully completed; directs that the issuance by the Natural Resources and Environmental Protection Agency of a No Further Remediation Letter signifies a release from further responsibility for approved remediation plans to remediate environmental hazards upon property of the public entity and any further responsibilities under KRS 224.01-400; sets out what is included in a No Further Remediation Letter; sets out the persons protected from liability under the letter; repeals KRS 154.35-042, effective January 1, 1996; repeals KRS 154.12-221, 154.22-030, 154.24-040, 154.26-030, and 154.28-030

SB 220

AN ACT relating to retirement.

Allows boards of directors of pension funds for second-class cities to increase the annuities for retirees and disabled members to a minimum of \$400 per month, or \$4,800 per year, if the increase can be supported actuarially

SB 221

AN ACT relating to fertilizer.

Amends various sections of KRS Chapter 217B to add the storage of fertilizer and pesticides to the Department of Agriculture's existing responsibilities for the regulation of the use, storage, and application of pesticides; redefines "fertilizer."

SB 224

AN ACT relating to financing water projects and making an appropriation therefor.

Creates a new section of KRS Chapter 42 to establish a Water Project Interest Rate Buy Down Fund in the State Treasury; provides that moneys in the fund shall be used to pay the portion of the interest calculated on the loan at a 4% interest rate; provides that the governmental agency is responsible for pay of the interest in excess of the 4% rate and for the principal on the loan; provides that the Finance and Administration Cabinet shall administer the fund; appropriates moneys in the fund.

SB 225

AN ACT relating to gratuities.

Amends KRS 337.010 to revise the definition of "tipped employee" to bring it into conformity with federal law; amend KRS 337.065 to allow tip pooling on a

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voluntary basis, while prohibiting mandatory tip pools; amend KRS 337.275 to revise references to the minimum wage and delete subsection (3), whose provisions relating to a training wage expired April 1, 1993.

SB 226

AN ACT relating to prevailing wages.

Amends KRS 337.010 to apply the prevailing wage to any public works project with an estimated cost of more than \$250,000; deletes the language relating to increases based on the consumer price index; prohibits dividing contracts into multiple contracts to avoid the \$250,000 threshold; permits the commissioner of the Department of Workplace Standards to designate more than one county as a single locality; deletes the prevailing wage exemption provided for school-building construction and construction conducted by a city, county, urban-county government, or school district; amends KRS 337.520 to provide flexibility in gathering wage rate data on private construction projects; amends KRS 337.522 to require the commissioner to publish wage determinations within 60 days of a public hearing; exempts the commissioner from determining or revising prevailing wage schedules in localities where the United States Department of Labor has issued a prevailing wage.

SB 231

AN ACT relating to reclamation.

Amends KRS 350.131 to provide that when the bond for an interim or permanent surface mining program permit is forfeited and collected by the cabinet, and a subsequent operator applies for a permit overlapping all or part of the permit area for which the bond is forfeited, the cabinet may enter into a contract with the applicant to reclaim the overlapped area in exchange for all or part of the forfeited bond funds held by the cabinet, if requested by the applicant; denies an applicant the opportunity to negotiate with the cabinet if the applicant had a connection to the forfeited bond; declares that the Act won't curtail rights of sureties; excludes surety bonds and bonds secured by a letter of credit; provides that if the applicant proposes to overlap only a part of the disturbed area, the cabinet may enter into a contract with the applicant to reclaim the overlapped part of the disturbed area if the cabinet has retained a portion of the forfeited bond that is sufficient for the cabinet to reclaim the part of the disturbed area that is not overlapped; provides that areas where coal is not removed under the overlapping permit and the disturbances are for reclamation of the interim permit only be reclaimed to interim program standards; states findings of the General Assembly regarding backstowing of coal processing and coal underground development waste; declares the intent of the General Assembly is that the Natural Resources and Environmental Protection Cabinet negotiate improved coordination among state and federal agencies in the review of proposals for backstowing or reinjection of coal processing and coal underground development waste.

SB 232

AN ACT relating to casualty insurance.

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Amends KRS 304.5-070 to prohibit a service contract to repair, replace, or maintain consumer products to be deemed insurance if the maker of the service contract registers with the commissioner and provides evidence of a sufficient net worth to assure the performance of the duties of the maker, or evidence of an insurance policy or performance bond with an authorized insurer to assure the performance of the duties of the maker created by all of the service contracts made by the maker; if the maker of the contract is unable to perform the duties, the purchaser of the contract shall then be considered a policy holder of the insurer, and shall be entitled to make a direct claim against the insurer upon the failure of the maker to pay any claim within sixty days after the claim has been filed with the maker; makers who are manufacturers of consumer products are excluded from this requirement; it is the responsibility of the maker who has registered with the commissioner to notify the commissioner of a change in circumstance; each registration filing with the commissioner shall be filed within thirty calendar days in advance of the selling of service contracts to repair, replace, or maintain consumer goods; the commissioner is authorized to promulgate administrative regulations to effectuate this legislation.

SB 233

AN ACT relating to executive agency lobbying.

Amends various sections of KRS 11A.201 to 11A.990 to require "real parties in interest" to be subject to the same requirements as employers of executive agency lobbyists; makes an exception to the definition of "expenditure"; includes "limited liability partnership" and "limited liability corporation" in the definition of "person"; defines "real party in interest" and "substantial basis"; reduces from three to two the number of times per year updated registration statements are due; increases the period covered by expenditure and financial transaction reporting from a four-month period to a six-month period; requires a real party in interest to file an updated registration statement; specifies contents, filing schedule, and period covered; exempts a real party in interest from filing the statement if the transaction is reported by an executive agency lobbyist who is acting on behalf of the real party in interest; changes the penalty for a first violation of KRS 11A.206 from an ethical misconduct penalty to a civil penalty not to exceed \$5,000; makes all references to "executive agency lobbyists", "executive lobbyists", "lobbyists", and "legislative agents" consistent with the defined terms.

SB 238

AN ACT relating to the regulation of social workers.

Creates a new section of KRS Chapter 335 to require the board of social work to hold administrative hearings before taking certain disciplinary actions, allows hearings on other disciplinary actions, and designates appeals to be in the Franklin Circuit Court; amends KRS 42.066 to make technical corrections in the official title of various boards, amends various sections of KRS Chapter 214 to include social workers; amends various sections of KRS Chapter 335 to change the name of the board to the Kentucky Board of Social Work; adds licensed clinical social worker to the list of protected titles; changes the composition of the board to include a licensed member at each licensure level and other social work positions at any level; requires meetings not less than twice per year;

ACTIONS OF THE 1996 GENERAL ASSEMBLY

increases the board per diem to not more than \$125 per day; designates the powers and duties of the board; allows the board to establish examination and licensure fees by administrative regulation; allows a certified social worker to practice clinical social work under the supervision of a licensed clinical social worker and specifies conditions of practice; delineates education and experience requirements for licensure as a licensed social worker, specifically, designates the degree required for licensure as a licensed social worker to be a baccalaureate degree from a program accredited by the Council on Social Work or a baccalaureate degree and completed courses equivalent to a social work or social welfare program, as determined by the board; deletes the requirement of being a certified social worker before becoming a licensed clinical social worker and designates entitlements with the licensed clinical social worker license; delineates reasons for which the board may take disciplinary action against a licensee or certificate holder; allows the board to seek restraining orders and injunctive relief in Franklin Circuit Court for violations of the laws governing social work; establishes additional penalties; and amends KRE 507 and KRS 202A.011, 202B.010, and 600.020 to conform.

SB 242

AN ACT relating to plumbing.

Amends KRS 318.010 to add medical gas piping to the definition of plumbing.

SB 251

AN ACT relating to museums.

Creates new sections of KRS Chapter 171 to establish a procedure which permits a Kentucky museum to acquire an object after the owner loans it to the museum but fails to reclaim it at the expiration of the loan; permits the museum to apply conservation measures to the object while it is on loan to the museum; requires the Kentucky Historical Society to implement the Act through the promulgation of administrative regulations.

SB 252

AN ACT relating to oil spills.

Creates new sections of KRS Chapter 411 to define terms and limit the liability of persons who comply with certain requirements when cleaning up oil spills.

SB 255

AN ACT relating to coal and coal by-products.

Amends KRS 352.420 to eliminate the requirement for a mine operator to notify the commissioner every six months of a mine opening or closing; amends KRS 177.9771 to add all state-maintained toll roads or roads which were previously toll roads to the extended weight coal or coal by-products haul road system; amends KRS 177.979 to delete the requirement for a cooperative agreement if a resolution issued pursuant to KRS 177.9771(9) is approved by the Transportation Cabinet; provides for the addition of a road segment to the system, if the person requesting a cooperative agreement reports to the Cabinet that fifty thousand or more tons of coal have been transported over the road named in the agreement.

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SB 256

AN ACT relating to reciprocal agreements with bordering states on hunting and fishing licenses.

Amends KRS 150.170 to allow persons holding a resident or nonresident fishing or hunting license issued in Kentucky or bordering states to perform the acts authorized by the license upon certain waters and land areas contiguous to the common boundaries, if a reciprocal agreement has been approved and promulgated by administrative regulation.

SB 259

AN ACT relating to foreign trained occupational therapists.

Amends KRS 319A.180 to require foreign trained occupational therapists and occupational therapy assistants to meet educational requirements substantially equivalent to those in KRS 319A.110 rather than 319A.130.

SB 263

AN ACT related to adoption.

Amends KRS 199.570 to require the inclusion of medical information received by Circuit Court clerks in adoption case files; creates a new section of KRS 199.470 to 199.590 to require the Cabinet for Human Resources to make a diligent effort to notify the adoptive parent of a minor, adult adopted person, or adult adoptable person of the cabinet's receipt of written information concerning a physician-verified medical or genetic condition which has affected or may affect the physical or mental health of genetically related persons, if the cabinet receives the medical information from the biological parent or adult biological sibling of the adopted person or a provider of medical services; defines "adoptable person" as a person for whom both biological parent's rights have been terminated; requires the cabinet to submit the health information to the clerk of the Circuit Court which issued the adoption order for inclusion in the adoption case file; requires the court and any child-placing agency to transmit any medical information they receive to the cabinet. Creates a new section of KRS Chapter 199 to require a written protocol for swift adoption procedures, with outcome measures for the adoption process; establish swift adoption teams at state, district, and local levels; requires quarterly reporting on team's goals, objectives, and processes; requires evaluation of team's activities; requires recommendations for improvement be provided to Governor, Legislative Research Commission, and Chief Justice of the Kentucky Supreme Court.

SB 274

AN ACT relating to the judicial branch.

Amends KRS 23A.070 to increase from 16 to 17 the number of judges, as well as the number of divisions, in the Thirtieth Judicial Circuit; amends KRS 23A.040 to add a second Circuit Judge to the Thirty-fourth Judicial Circuit consisting of Whitley and McCreary counties; EFFECTIVE October 1, 1996.

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SB 278

AN ACT relating to economic deregulation of transportation carriers.

Amends sections of KRS Chapter 281 to delete reference and requirements relating to the interstate regulation of taxicabs and local cartage vehicles and certificates; retains departmental regulation of interstate transportation of passengers and property.

SB 280

AN ACT relating to a school-to-work transition system.

Creates a new section of KRS Chapter 151B, relating to the Workforce Development Cabinet, to confirm Executive Order 94-904 creating an Office of School-to-Work in the cabinet; establishes elements of the school-to-work transition system; directs the secretary of the Workforce Development Cabinet to appoint the executive director of the office; authorizes the office to promulgate administrative regulations to establish policy for the development and implementation of a school-to-work transition system; directs the office to convene representatives of business, labor, education and government to develop and pilot curriculum models, and evaluate and disseminate the findings of each model project; amends KRS 151B.020 to conform; and confirms Executive Order 94-904.

SB 281

AN ACT relating to disclosure of environmental violations.

Amends KRS 224.01-040 to define "voluntary disclosure" and "voluntary discovery"; prohibits the cabinet from seeking civil penalties for violations of KRS Chapter 224 if certain conditions are met; declares that the Act does not limit a person's right to recover damages for violations of KRS Chapter 224.

SB 284

AN ACT relating to medicare supplement insurance.

Amends KRS 304.14-500 and 304.14-510 to bring statutes on medicare supplement insurance into conformity with federal law.

SB 285

AN ACT relating to health maintenance organizations.

Amends KRS 304.38-200 to make health maintenance organizations subject to the provisions of Subtitles 3, 7, and 37 of KRS Chapter 304; creates a new section of Subtitle 38 of KRS Chapter 304 to require health maintenance organizations to deposit with the commissioner cash or securities in the amount of \$500,000 so that obligations to enrollees will be performed.

SB 288

AN ACT relating to insurance.

Amends KRS 304.6-140 to set minimum standard for valuation of single premium life insurance policies; amends KRS 304.6-160 to set minimum aggregate reserves; amends KRS 304.6-170 to allow adoption of a lower standard of valuation with approval of commissioner; creates a new section of subtitle 6 of KRS Chapter 304 to require life

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insurers to submit annually the opinion of a qualified actuary as to whether the reserves and related items are computed appropriately, based on proper assumptions, consistent with prior reported amounts, and comply with state law; create a new section of subtitle 24 of KRS Chapter 304 requiring domestic insurers to file a report disclosing material acquisitions and dispositions of assets or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements.

SB 289

AN ACT relating to insurance.

Amends KRS 304.24-410 to eliminate conflicts with KRS 304.37-120; amends KRS 304.37-030 to strike language that requires an insurer's surplus to be reasonable and adequate regarding policyholders in certain circumstances; amends KRS 304.37-020 to require the registration statement to contain current information regarding all reinsurance agreements between the insurer and its affiliates and directs that the board of directors of the Kentucky Insurance Arbitration Association increase the number of board members from not less than three nor more than five, to not less than five and not more than ten persons.

SB 290

AN ACT relating to insurers' liquidation.

Amends KRS 304.33-430 to provide that no claim by a shareholder, policyholder, or other creditor shall be permitted to circumvent the priority classes through use of equitable remedies; exclude certain claims from class 2 priority; list federal claims after policyholder claims; creates new section of Subtitle 33 of KRS Chapter 304 to make these provisions applicable to distribution of assets in liquidation proceedings commenced on or after the effective date.

SB 292

AN ACT relating to procedures for administrative hearings and making changes incidental thereto.

Part One: - Amends 13B.010 to remove categorical exemptions from the definitions; amends 13B.020 to consolidate all exemptions in this section; lists hearings granted full exemption pursuant to review procedure directed in Section 19 of 1994 HB 334; adds provision stating that KRS Chapter 13B supersedes any hearing procedures not exempted, to the extent they are duplicative or in conflict; amends KRS 13B.030 to permit a hearing officer to conduct a hearing before a hearing panel with the panel retaining authority to issue the recommended order; specifies that required training for hearing officers is not to exceed eighteen (18) hours for initial training and six (6) hours per year for continuing training; amends KRS 13B.040 to clarify that requests for disqualification of a hearing officer are to be determined by the agency head, and the disqualification of a hearing officer that is a member of a collegial body serving as an agency head is to be determined by the remaining members; amends KRS 13B.050 to make several changes to clarify notification requirement relevant to time frames and notice content; amends KRS 13B.070 to clarify that an agency is to promulgate administrative regulations for informal settlement procedures, if such procedures are used

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by the agency; amends KRS 13B.090 to more clearly define hearsay evidence; permits a hearing officer to render a recommended order from written evidence if no genuine issues of material fact are in dispute; allows a hearing officer to inspect closed records and include them in the hearing record under seal if they are pertinent to the hearing; adds a default burden of proof standard for hearings when the burden of proof is not stated in federal or state law; amends KRS 13B.110 to require a recommended order to contain notice of exception and appeal rights; exempts from the recommended order provision any hearing in the presence of an agency head when the hearing officer does not make recommendations; amends KRS 13B.120 to permit an agency head to remand a matter to the hearing officer for additional proceedings; creates a new section of KRS Chapter 13B establishing a procedure for issuing emergency orders and conducting emergency hearings by an agency with statutory authority to take summary action; amends KRS 13B.140 to provide a default venue on judicial review for hearings in which venue is not stated in the statutes; assigns the cost of transcription to the party filing the appeal; when the proceedings have not been transcribed and the court of jurisdiction requests a transcript, specifies conditions under which a final order may be stayed pending outcome of judicial review; makes changes in various sections of KRS Chapter 13B to defer to federal time frames imposed on the hearing process, when applicable; and makes various technical changes: Part Two: - Amends various sections of the Kentucky Revised Statutes to conform to KRS Chapter 13B all administrative hearing procedures not exempted, as directed under Section 19 of 1994 HB 334: Part Three: - Noncodified section which stipulates that substantive amendments in other Acts passed by the 1996 General Assembly shall prevail over nonsubstantive, stylistic changes contained in this Act.

SB 303

AN ACT relating to vehicles.

Amends KRS 189.010, relating to definitions governing traffic regulations, to clarify distinction between a "vehicle" and a "motor vehicle"; amends KRS 189.380, relating to signals, to clarify how someone riding a bicycle is to signal a turn.

SB 315

AN ACT relating to fish and wildlife resources.

Amends KRS 150.025 to allow the Department of Fish and Wildlife Resources to make administrative regulations apply to a limited area or to the entire state.

SB 330

AN ACT relating to the certification of county taxes.

Amends KRS 133.180 to require the Revenue Cabinet to immediately certify to the county clerk the assessed value of property and the amount of taxes due based on the PVA's assessment, if the Revenue Cabinet has not completed its actions or reassessment by October 1 of each year.

SB 343

AN ACT relating to health care.

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Amends KRS 304.17A-010, relating to definitions for the Kentucky Health Purchasing Alliance, to include the self-insured plan created pursuant to KRS 18A.2281 (Kentucky Kare) in the definition of "accountable health plan"; grants voluntary membership in Alliance to employees of state higher education institutions, local and county government employees, employers with 50 employees or less, instead of current 100 employee groups, and to individuals; amends KRS 304.17A-010 to 304.17A-070 to transfer duties of the Health Policy Board to the Department of Insurance, as relates to the Kentucky Health Purchasing Alliance, and provides that the Alliance be attached for administrative purposes to the Department of Insurance but operated independently of the department; amends KRS 304.17A-070 to provide that the state employee benefit fund established under KRS 18A.2281 be certified as an accountable health plan, as long as it operates in compliance with the provisions of KRS 18A.2281 to 18A.2286; amends KRS 304.17A-100 to include a health benefit plan offered by a provider-sponsored integrated health delivery network in the definition of a "health benefit plan"; provides that a health plan offered by a Kentucky university to its students is not considered a health benefit plan; defines a "provider-sponsored integrated health delivery network"; amends KRS 304.17A-110 to increase limitations imposed on coverage of pre-existing conditions in health insurance plans to twelve months instead of six months; provides that policies may be canceled for "intentional and abusive" noncompliance with health benefit plan provisions; prohibits requiring any individually insured person from to replace an individual policy with group coverage on becoming eligible for group coverage not provided by an employer; amends KRS 304.17A-120 to permit the use of the following case characteristics in the modified community rating methodology: gender--no more than 50% variation from the lowest to highest rate factor; occupation--no more than 15% variation from the lowest to highest rate factor; allows discounts up to 10% for healthy lifestyles; and for all case characteristics--no more than 5:1 variation from the highest to lowest rate factor; exempts from modified community rating group plans issued prior to January 1, 1996 to one or more associations, if the plan has been in continued existence from or before January 1, 1996; permits phase-in of modified community premium rates as follows: until June 30, 1998, rates may deviate no more than 30% above or below the index community rate; beginning on July 1, 1998, the maximum permitted percentage deviation is 20%; beginning on July 1, 1999, the maximum permitted percentage deviation is 10%; beginning on July 1, 2000, no deviation is permitted; amends KRS 304.17A-160 to require all standard health benefit plans defined by the Kentucky Health Policy Board to continue until Insurance Department amends or replaces the plans; allows Insurance Department to approve additional standard benefit plans as recommended by the Health Insurance Advisory Council; imposes a 12-month residency requirement on all health benefit plans; permits any person covered by a health benefit plan on the effective date of the Act which is not a standard plan to renew the current coverage until the date 12 months after the effective date of the Act, if the benefits remain exactly the same and the renewal is guaranteed; prohibits insurers from representing that a health care provider is a participant in or affiliate of an approved provider network unless the provider has agreed in writing to the representation; creates the seven-member Health Insurance Advisory Council to advise the Commissioner of Insurance on any issues which impact the provision of health insurance; defines membership, terms, and duties of council;

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allows the council to review and recommend changes or replacements to the standard health benefit plans and to recommend additional standard health benefit plans; amends KRS 304.18-050 to define "eligible association" and exempt associations from requirement of Subtitle 17A, except for renewability, portability, coverage of pre-existing conditions, and guaranteed-issue; creates a new section of Subtitle 17A of KRS Chapter 304 to require the Commissioner of Insurance to review all health insurance rates filed between July 15, 1995 and the effective date of this Act, and to order refunds where appropriate; authorizes the Commissioner to suspend an insurer's certificate of authority for at least one year for failure to comply with the commissioner's directive to issue refunds; directs the Commissioner to notify the Governor and the LRC when the review has been completed; requires all rate filings to be on file for a thirty-day waiting period before becoming effective; directs the Insurance Commissioner to hold a hearing on every filing containing a premium increase greater than the percentage change in the medical care consumer price index plus three percent; specifies criteria to be considered by the Commissioner in approving or disapproving a filing; directs the Attorney General to participate in a hearing as a health insurance consumer intervenor, and allows persons designated by the Attorney General as health insurance consumer intervenors to have access to material evidence and information of the Department of Insurance relating to health insurance rate hearings as other parties to the hearing; authorizes the commissioner to withdraw previous approval of rates and order appropriate refunds; permits the creation of provider-sponsored networks and requires networks to obtain a certificate of filing from the Commissioner of Insurance; sets forth the information to be provided to the Commissioner in a filing by a provider-sponsored network; establishes financial solvency requirements for provider-sponsored networks; amends KRS 304.18-110 to permit the continuation of group coverage for 18 months, rather than nine months, after a person terminates group membership and set maximum conversion policy premium at 102% of group rate; amends KRS 216.2960 to transfer authority for 24-hour health insurance coverage pilot projects from the Health Policy Board to the Department of Insurance; amends KRS 216.2950, relating to provider self-referral, to apply prohibitions against provider self-referral only to Medicaid and Medicare-funded cases, and mandate that any conduct which violates federal law relating to self-referral under Medicaid be deemed a violation of state law; amends various sections of KRS Chapter 216 to transfer data collection responsibilities from the Health Policy Board to the Cabinet for Human Resources; limits mandated data submission to that collected on the uniform health insurance claim form under KRS 304.14-135; creates a permanent advisory committee to define quality outcome measurements and advise the Cabinet for Human Resources on data interpretation and publication; amends KRS 205.6312 to delete the requirement that the Cabinet for Human Resources obtain federal waivers to impose a minimum \$3 copayment on specified Medicaid services; amends KRS 205.6320 to require noninstitutionalized blind, aged, and disabled Medicaid recipients to participate in KenPAC program, as permitted by federal Medicaid regulations; amends KRS 205.6322 to treat purchase of an annuity as a transfer of asset, unless the annuity is actuarially sound; amends KRS 205.6332 to require the use of appropriate technology, instead of a "smart card," to monitor recipients' use of Medicaid services; prohibits Medicaid payment for services provided in Kentucky by an out-of-state health facility or service, if the

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facility or service does not have a CON but would otherwise be required to obtain a Certificate of Need if located in Kentucky; amends various sections of KRS Chapter 216B to transfer administration of certificate of need from the Health Policy Board back to the Cabinet for Human Resources; amends the definition of "health facility" to include facilities and services owned and operated by a health maintenance organization directly providing services; raises the expenditure threshold for major medical equipment from \$500,000 to \$1,500,000 before a CON is required for a physician's office; exempts long-term care projects exempted pursuant to Executive Order 96-129 from the requirement that they be completed within 36 months of receiving a Certificate of Need and provide that they be completed according to the intervals specified under KRS 216B.086 and as of the effective date of Medicaid funding in the biennial budget for those projects; provides that ambulance services owned and operated by a city government which propose to provide services in coterminous cities outside of the ambulance service's designated geographic service area are not required to obtain a certificate of need, if the governing body of the city in which the ambulance services are to be provided enters into an agreement with the ambulance service to provide services in the city which proposes to provide the service; amends KRS 194.030, relating to the organization of the Cabinet for Human Resources, to delete the Health Policy Board as an organizational unit of the cabinet; amends KRS 216.510 and 216.535, relating to the definition of "long-term care facility" to reflect repeal of the Health Policy Board; amends KRS 18A.225 to prohibit state health insurance policies for state employees from providing coverage for an abortion; repeals KRS 164.900, 164.902, 164.904, 164.906, 205.6330, 216.2901, 216.2903, 216.2905, 216.2907, 216.2940, 216.2941, 216.2943, 216.2945, 216.2947, 216.2949, 216B.145, and 311.285; prohibits restrictions from being placed on Health Policy Board member or employee's acceptance of employment or compensation from any facility or health care provider, or from becoming a practicing health care provider within the State; provides that, except as otherwise provided, the Cabinet for Human Resources shall be the successor to the Health Policy Board.

SB 345

AN ACT relating to domestic relations.

Amends KRS 403.190 to require that when the retirement benefits of one spouse are not included as marital property in a divorce, the other spouse's retirement benefits shall also not be included as marital property; however, require that the exclusion provided to the spouse with the greater retirement benefit shall not exceed the exclusion provided to the other spouse; amends KRS 403.190 to state which property is excluded from marital property; amends KRS 403.211 to provide health care for a child of a divorced couple.

SB 352

AN ACT relating to alcoholic beverage licenses.

Creates a new section of KRS Chapter 131 to allow the Revenue Cabinet to submit the name of any delinquent taxpayer to the Department of Alcoholic Beverage Control for revocation of any alcoholic beverage license held; defines delinquent taxpayer; requires the Revenue Cabinet to notify the delinquent taxpayer 20 days before

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submitting the taxpayer's name to the Department of Alcoholic Beverage Control stating reasons for the action, the amount of tax liability, and any other area of noncompliance; prohibits issuance of licenses to delinquent taxpayers; and amends KRS 243.490 to allow the Department of Alcoholic Beverage Control to refuse to issue or renew a license to a delinquent taxpayer.

SB 360

AN ACT relating to administrative regulations.

Amends KRS 13A.200 to change the name of the Necessity and Function paragraph to Necessity, Function, and Conformity paragraph; amends KRS 13A.245 to require comparison of administrative regulation to federal law or regulation that is not required of state administrative body; to require that an administrative regulation shall conform to federal law or regulation, unless federal law does not require compliance with federal law or regulation governing the subject matter, and state law does require promulgation of an administrative regulation governing the subject matter; to require that if an administrative regulation is more stringent than or differs from federal law or regulation governing the subject matter, the administrative body shall state in the Necessity, Function, and Conformity paragraph the manner in which it is more stringent or otherwise differs.

SB 361

AN ACT relating to executive branch ethics.

Amends KRS 11A.040 to change the prohibition against a public servant having a contract or other agreement with any state agency to a prohibition against a public servant having a contract or other agreement with the agency by which he is employed or which he supervises, subject to the provisions of KRS 45A.340; directs that the provision not apply to a public servant's spouse or child doing business with any state agency other than the agency by which the public servant is employed or which he supervises.

SB 375

AN ACT relating to retirement.

Amends KRS 21.400 to permit a member of the Judicial Retirement Plan to take early retirement by taking a 5% per year reduction in benefits for each year his service credit may be less than 27.

SB 395

AN ACT relating to school administrators.

Amends KRS 160.380, relating to school employees, to permit a superintendent to have a relative employed in the district if the relative is certified and was employed at least thirty-six months prior to the superintendent's assuming office; amends KRS 160.350, relating to the superintendent of public schools, to require that the superintendent establish residency in Kentucky following appointment.

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SB 400

AN ACT relating to medical malpractice insurance for charitable health care providers.

Creates a new section of Subtitle 40 of KRS Chapter 304 to define "charitable health care provider", "medical malpractice insurer", and "medical professional liability insurance"; requires insurers offering medical professional liability insurance in the Commonwealth to, as a condition of doing business, make available the same coverage for charitable health care providers that it offers to noncharitable health care providers; provides that premiums shall be paid by the Commonwealth from the General Fund; requires Department of Insurance to promulgate administrative regulations related to this program; provides that Department of Insurance shall retrospectively review the profits of the insurer to determine consistency with reasonable loss ratio guidelines, and provides for refund to Commonwealth of premiums in excess of reasonable loss ratio guidelines; amends KRS 21A.010 and 311.610 to conform; repeal KRS 42.700.

SENATE RESOLUTIONS

SCR 1

Directs the Legislative Research Commission to re-establish the Subcommittee on Veterans' Affairs for the 1996-97 interim, members to be appointed by the Legislative Research Commission.

SCR 2

Requests the reauthorization of the Tobacco Task Force.

SJR 13

Declares February 6, 1996, Darrell Waltrip Day in Kentucky.

SJR 26

Declares February 18, 1996, as NASCAR Legends of Owensboro Day.

SJR 50

Postratifies the 27th Amendment to the U. S. Constitution; and directs the Secretary of State to send copies of the Joint Resolution to Washington.

SJR 83

Requires the University of Kentucky Community College System and the public universities, along with the Workforce Development Cabinet to assure that vocational-technical-occupational training programs meet the needs of the area by including employers and certain information in the course planning process.

SCR 93

Creates a Task Force on Postsecondary Education to develop recommendations for a system of postsecondary education that promotes quality instruction; requires that a report of findings and recommendations, including an implementation plan and timeline, with enabling legislation, be submitted to the Governor and the Legislative Research Commission no later than September 1, 1997.

SCR 94

Creates a Task Force on Public Education to review the implementation of the Kentucky Education Reform Act of 1990 and the status of elementary and secondary education in the Commonwealth; requires that a report of findings and recommendations be submitted to the Governor and the Legislative Research Commission no later than September 1, 1997.

SCR 96

Reauthorizes the Commission on Poverty. Directs the Legislative Research Commission to appoint a 21-member commission to evaluate the ability of existing poverty and development programs to mitigate the causes of poverty in various areas of

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the state and to report its findings to the Legislative Research Commission by August 31, 1997.

SCR 103

Creates a task force to assess the feasibility of using Jefferson Community College as the provider of developmental learning for University of Louisville students; requires submission of findings and recommendations to the Legislative Research Commission by July 1, 1997.

SCR 107

Directs the Legislative Research Commission to create the Task Force on Children in Placement; defines duties, method for selection of members, and timeframes for reporting.

SCR 134

Urges the creation of a Business Licensing Task Force.

HOUSE BILLS

HB 1

AN ACT relating to representative districts and declaring an emergency.

(Plan H1095333 as amended by Plan H1145444); repeals and reenacts various sections of KRS Chapter 5 to divide the state into 100 representative districts as follows:

DISTRICT 1: Ballard, Carlisle, Fulton, Hickman, and McCracken (part) Counties; DISTRICT 2: Graves and McCracken (part) County; DISTRICT 3: McCracken (part) County; DISTRICT 4: Caldwell, Crittenden, Livingston, and McCracken (part) Counties; DISTRICT 5: Calloway and Trigg (part) Counties; DISTRICT 6: Lyon, Marshall, and McCracken (part) Counties; DISTRICT 7: Daviess (part), Henderson (part), and Union Counties; DISTRICT 8: Christian (part) and Trigg (part) Counties; DISTRICT 9: Christian (part) and Hopkins (part) Counties; DISTRICT 10: Hopkins (part) County; DISTRICT 11: Henderson (part) County; DISTRICT 12: Daviess (part), Henderson (part), Hopkins (part), McLean, and Webster Counties; DISTRICT 13: Daviess (part) County; DISTRICT 14: Daviess (part) and Hancock Counties; DISTRICT 15: Christian (part), Hopkins (part), and Muhlenberg Counties; DISTRICT 16: Logan and Todd Counties; DISTRICT 17: Butler, Grayson, and Hardin (part) Counties; DISTRICT 18: Breckinridge and Ohio Counties; DISTRICT 19: Edmonson, Hart, and Larue Counties; DISTRICTS 20-21: Warren (part) County; DISTRICT 22: Allen, Simpson, and Warren (part) Counties; DISTRICT 23: Barren and Warren (part) Counties; DISTRICT 24: Casey, Marion, and Pulaski (part) Counties; DISTRICTS 25-26: Hardin (part) County; DISTRICT 27: Hardin (part) and Meade Counties; DISTRICTS 28-35: Jefferson (part) County; DISTRICT 36: Estill, Garrard, and Madison (part) Counties; DISTRICTS 37-38: Jefferson (part) County; DISTRICT 39: Fayette (part) and Jessamine Counties; DISTRICTS 40-44: Jefferson (part) County; DISTRICT 45: Fayette (part) County; DISTRICTS 46-48: Jefferson (part) County; DISTRICT 49: Bullitt (part) County; DISTRICT 50: Bullitt (part) and Nelson Counties; DISTRICT 51: Adair and Taylor Counties; DISTRICT 52: McCreary, Pulaski (part), and Wayne Counties; DISTRICT 53: Cumberland, Green, Metcalfe, and Monroe Counties; DISTRICT 54: Boyle and Washington Counties; DISTRICT 55: Anderson, Franklin (part), and Mercer Counties; DISTRICT 56: Fayette (part), Franklin (part), and Woodford Counties; DISTRICT 57: Franklin (part) County; DISTRICT 58: Bullitt (part), Shelby, and Spencer Counties; DISTRICT 59: Jefferson (part) and Oldham Counties; DISTRICT 60: Boone (part), Carroll, Gallatin, and Trimble Counties; DISTRICT 61: Grant, Henry, and Owen Counties; DISTRICT 62: Fayette (part) and Scott Counties; DISTRICTS 63-65: Kenton (part) County; DISTRICT 66: Boone (part) County; DISTRICTS 67-68: Campbell (part) County; DISTRICT 69: Boone (part), Campbell (part), and Kenton (part) Counties; DISTRICT 70: Bracken, Fleming, and Mason Counties; DISTRICT 71: Menifee, Morgan, and Rowan Counties; DISTRICT 72: Bath, Bourbon, Fayette (part), and Nicholas Counties; DISTRICT 73: Clark and Madison (part) Counties; DISTRICT 74: Lee, Montgomery, and Powell Counties; DISTRICTS 75-77: Fayette (part) County; DISTRICT 78: Campbell (part), Harrison, Pendleton, and Robertson Counties; DISTRICT 79: Fayette (part) County; DISTRICT 80: Lincoln, Pulaski (part), and Rockcastle Counties; DISTRICT 81: Madison (part) County; DISTRICT 82: Laurel (part)

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and Whitley Counties; DISTRICT 83: Clinton, Pulaski (part), and Russell Counties; DISTRICT 84: Leslie (part) and Perry Counties; DISTRICT 85: Laurel (part) and Pulaski (part) Counties; DISTRICT 86: Knox and Laurel (part) Counties; DISTRICT 87: Bell and Leslie (part) Counties; DISTRICT 88: Harlan County; DISTRICT 89: Breathitt, Jackson, Laurel (part), and Owsley Counties; DISTRICT 90: Clay, Laurel (part), and Leslie (part) Counties; DISTRICT 91: Letcher and Pike (part) Counties; DISTRICT 92: Knott, Magoffin, and Wolfe Counties; DISTRICT 93: Pike (part) County; DISTRICT 94: Floyd (part) and Pike (part) Counties; DISTRICT 95: Floyd (part) County; DISTRICT 96: Carter and Lewis Counties; DISTRICT 97: Johnson and Martin Counties; DISTRICT 98: Greenup County; DISTRICT 99: Boyd (part), Elliott, and Lawrence Counties; DISTRICT 100: Boyd (part) County; amends KRS 5:010 to adopt definitions of precincts and census geography for any redistricting plan in KRS Chapter 5, rather than the plans enacted in 1991; creates a new section of KRS Chapter 5 to direct county boards of elections to redraw precinct boundaries as necessary within 45 days of the effective date; vests in Franklin Circuit Court exclusive venue in all matters relating to redistricting; requires Secretary of State to be named a defendant in challenge to constitutionality of state legislative redistricting; permits the Legislative Research Commission to intervene as a matter of right in any action challenging the constitutionality of any legislative district created by KRS Chapter 5; GEOGRAPHIC INTEGRITY VERIFIED; EMERGENCY.

HB 5

AN ACT relating to charitable gaming and declaring an emergency.

Creates a new section of KRS Chapter 15 to require all law enforcement agencies and investigative bodies to notify the Division of Charitable Gaming of any investigation or prosecution as soon as reasonably possible after commencement of any investigation or prosecution and to coordinate any investigation with the division and amends various sections of KRS Chapter 238 to specify that charitable gaming shall not include slot machines, electronic video gaming devices, wagering on live sporting events, or simulcast broadcasts of horse races; deletes authorization for subordinate organizations or suborganizations to conduct charitable gaming; specifies that pulltabs are charity game tickets; includes keno and wagering on prerecorded horse races in the definition of special limited charitable game; defines bingo session; authorizes the licensing and regulation of charitable organizations that desire to engage in charitable gaming; designates the assistant director of the division as a merit employee; requires the division to establish toll free telephone service for receiving complaints and inquires; deletes the requirement of undue delay before issuance of any temporary license; clarifies the provisions for criminal history background checks; requires fingerprinting of various specified entities and allow the division to charge a reasonable fee, not to exceed the actual cost of fingerprinting and records searching; prohibits applicants convicted of certain specified crimes within the preceding 10 years from being licensed; requires correct information and the telephone number of the registered agent on all applications for licensure; prohibits distributors and manufacturers of charitable gaming supplies and equipment from participating in specified charitable gaming activities; specifies that organizations engaging in exempt charitable gaming must be a qualified charitable organization and clarifies the exemption; deletes the weekly gross receipt limitation

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relating to organizations engaging in exempt charitable gaming; allows certain public schools and institutions of higher education to engage in charitable gaming; defines the term accomplishing its charitable purposes; requires organizations engaging in charitable gaming to designate no fewer than 2 employees or members who are involved in the management and supervision, along with the chief executive officer or the director, to be designated as chairpersons for the charitable gaming activities and requires at least 1 to be in attendance and be responsible for each charitable gaming activity conducted; prohibits individuals from serving as chairpersons for more than 1 charitable organization; requires the chairperson and all volunteers to be readily identifiable; prohibits tipping; allows organizations engaging in charitable gaming to conduct 2 bingo sessions per week not to exceed 10 total hours; prohibits minors from purchasing bingo supplies; allows minors to play bingo for noncash prizes, if accompanied by a parent or legal guardian, and if the value of the noncash prize does not exceed \$10; requires charity game tickets to be sold only at the address of the location designated on the license; allows charity game tickets to be sold at charity fundraising events and by charitable organizations possessing a special limited license at a off-site location, with prior approval of the division; allows charity game ticket dispensers, with prior approval of the division, at the address of the charitable organization and allows further regulation of charity game ticket dispensers by the division; prohibits minors from opening charity game tickets; specifies that except for state, county and city fairs, a special limited license shall not exceed 72 consecutive hours in duration; allows a licensed charitable organization to obtain not more than 4 special limited licenses per year; allows bona fide volunteers to handle gross receipts; prohibits charitable organizations from incurring expenses other than those specified, including membership dues for participation in a charitable gaming trade organization; requires at least 40% of the adjusted gross receipts to be used for charitable purposes; prohibits charitable gaming facilities from participating in specified charitable gaming activities; limits the number of bingo sessions conducted at a facility to not more than 18 in certain counties and cities and to not more than 8 in certain counties and cities; requires a charitable gaming facility to display its license and a sign bearing the name of the charitable organization conducting gaming in the facility; allows the division greater latitude in sanctioning licensees; provides for a fee of 10% assessed on the value of all supplies and equipment distributed by the distributor used in charitable gaming, if the fee structure is determined unconstitutional; specifies that nothing contained in KRS Chapter 238 shall prohibit prosecution of a violation of the charitable gaming laws by the Attorney General, county attorneys, or Commonwealth's attorneys; criminalizes the false entry, omission, or destruction of the business records of a charitable organization, and specify the violation as a Class A misdemeanor; increases the number of members of the Charitable Gaming Advisory Commission to 9 and specifies membership; and declares an emergency.

HB 7

AN ACT relating to statutory liens.

Amends KRS 376.400 to require that a livery stable keeper's or agister's lien shall take priority over a lien for service fee upon the offspring of a stallion, jack, or bull; amends KRS 376.420 to conform.

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HB 9

AN ACT relating to transportation of prisoners.

Amends KRS 441.510, relating to transportation of prisoners, to provide that the fiscal court of a county shall decide who may transport prisoners and under what circumstances, pursuant to a county transportation plan.

HB 11

AN ACT relating to state commissions.

Amends KRS 42.500 to permit certain members of the State Investment Commission to designate alternates; requires that particular elements of the designation be stated in writing; permits counting alternates for the purpose of determining a quorum; amends KRS 56.450, relating to the State Property and Buildings Commission, to redefine a quorum of that commission as 4 members or their authorized alternates; amends KRS 42.4582 to conform.

HB 20

AN ACT relating to cellular radio telecommunications facilities.

Amends KRS 100.324 to specify that utilities must submit proposals for cellular or personal communications service antenna towers to the planning commission, if the proposed tower is in a county containing a city of the first class; requires the planning commission to render a final decision within 60 days after the proposal is submitted; prohibits other construction permits from being issued until after the planning commission issues its decision or until 60 days, whichever comes first; creates a new section of KRS Chapter 278 to require that a utility submit a proposal to construct a cellular or personal communications services antenna tower in a county containing a city of the first class to the local planning commission before it applies to the Public Service Commission for construction approval; allows the Public Service Commission to approve a project which was rejected by the planning commission only if it determines that the construction is required and that there is no acceptable alternate site; allows appeal of the Public Service Commission action in the Franklin Circuit Court; allows the Public Service Commission to consider land use issues in its deliberations over proposed cellular or personal communications service antenna towers if the proposed location is not within a county with a city of the first class.

HB 28

AN ACT relating to a moment of silence in the public schools.

Permits the observation of a moment of silence or reflection for one minute at the commencement of the first class each day in the public schools.

HB 34

AN ACT relating to management improvement programs.

Amends KRS 158.780 and 158.785 to require the State Board for Elementary and Secondary Education to conduct administrative hearings in compliance with KRS Chapter 13B before the state board, the chief state school officer or his designee may assume supervision or control over the district or any of its powers and duties; amends

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KRS 158.785 to allow judicial review of actions taken by the chief state school officer or the state board to be in accordance with KRS Chapter 13B's provisions for judicial review.

HB 35

AN ACT relating to advisory boards of community colleges.

Amends KRS 164.600, relating to community college advisory boards, to delete the requirement that the faculty and student members be nonvoting members.

HB 40

AN ACT relating to licenses to carry concealed weapons.

Creates a new section of KRS Chapter 237 to permit the State Police to issue licenses to carry concealed deadly weapons to private citizens who meet the requirements of the statute; requires license applications to be obtained from and delivered to sheriff in county of residence of applicant; specifies locations where concealed weapons may not be carried by licensees and violations are a criminal offense; specifies locations where concealed weapons may not be carried by licensees but violation is not a criminal offense; amends KRS 224.125 relating to carrying loaded firearms where liquor is served, to conform; amends KRS 527.020 relating to carrying concealed deadly weapons, to conform; amends KRS 527.070 relating to carrying firearms on school property to conform; Effective October 1, 1996.

HB 48

AN ACT relating to bonds for public officials.

Amends various KRS sections to require the fiscal court to approve the performance bond of the county judge/executive, county clerk, sheriff, jailer, surveyor, coroner, and constable; sets the minimum amount of the bond at \$10,000 for each officer other than the county clerk; requires the fiscal court to file a record of each bond.

HB 54

AN ACT relating to the Kentucky Commission on Military Affairs and making an appropriation therefor.

Amends various sections of KRS Chapter 12 to add the Kentucky Commission on Military Affairs as a major administrative body attached to the Office of the Governor; amends KRS 154.12-203 to create the commission as a separate administrative body with stated purposes; eliminates the steering committee and designates the commission membership, executive committee, and the hiring of an executive director and staff; allows for a designated representative for the Secretary of the Cabinet for Economic Development and for the Adjutant General of the Commonwealth on the Kentucky Commission on Military Affairs; amends KRS 154.12-223 to remove the commission from the Department of Community Development; creates a new section of Subchapter 12 of KRS Chapter 154 to allow any capital construction project endorsed by the commission to be eligible for state economic development incentives; amends KRS 154.01-010 to add military facilities to the meaning of "person", and military operations or national defense services of the U.S. to the meaning of "project"; and makes capital

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construction projects on federal property ineligible for State economic development incentives; amends KRS 12.023 to add The Coal Marketing and Export Council as an administrative body attached to the Office of the Governor; amends KRS 154.12-250 to remove the council from the Cabinet for Economic Development; amends KRS 154.12-252 to include fourteen rather than fifteen members by removing the Lieutenant Governor and the Secretary of the Cabinet for Economic Development and adding a representative of the Alliance of Kentucky Coal; and amends KRS 224.46-850 and 224.46-870 to conform.

HB 59

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

Amends KRS 121A.060 to prohibit a qualifying slate of candidates from accepting qualifying contributions in excess of the maximum threshold qualifying amount and to require that any excess contributions accepted be returned to the contributors; and amends KRS 121A.030 and KRS 121A.080 to conform.

HB 68

AN ACT relating to county treasurers.

Amends KRS 68.010 to require county treasurers to be appointed for a one-year term in 1998; resumes the regular schedule of four-year terms in 1999 and thereafter; requires the fiscal court to appoint the treasurer by June 30 rather than "at its regular June term."

HB 71

AN ACT relating to the regulation of small telephone utilities.

Creates a new section KRS Chapter 278, relating to the Public Service Commission, to provide an optional, alternative form of rate regulation for small telephone utilities; establishes procedures for revising rates and charges without the traditional commission review process; requires small telephone utilities to notify subscribers and the commission of proposed changes in rates and charges; restricts increases in basic residential and business rates, zone charges, and installation charges; caps rates for intrastate access and pic charges (charges for selection of long distance carriers) at the interstate access rate; deregulates other rates and charges; designates the use of the Gross Domestic Product Index to measure inflation for purposes of adjusting basic rates, zone charges, and installation charges; requires commission review of proposed changes in basic residential and business rates, zone charges, and installation charges if 500 or 5% of affected subscribers, whichever is greater, object in writing within 45 days of notice to proposed rates; eliminates certificates of public convenience and necessity when small telephone utilities choose alternative rate regulation; stipulates that utilities which elect this alternate regulation may, if they later return to traditional regulation, be subject to review of major construction projects which were undertaken without a certificate of necessity and convenience; directs the Public Service Commission to report to the Legislative Research Commission on the impact of the act on consumers by September 15, 1997.

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HB 73

AN ACT relating to housing.

Creates new sections of KRS 198 to establish a state policy on housing and identifies its objectives; creates a 29 member housing advisory committee within the Kentucky Housing Corporation composed of public sector representatives and appointed private sector representatives; prescribes the membership selection, terms of office, and administrative procedures for the committee, and requires that the funding and administrative oversight of the committee be provided by KHC; requires the initial at-large appointments to be made by September 1, 1996; requires annual report to Governor and LRC; and permits the advisory committee to utilize all available "resources" to provide housing needs data.

HB 77

AN ACT relating to child sexual abuse.

Amends KRS 431.600, relating to the investigation of child sexual abuse, to clarify members of local multidisciplinary teams and permit a group of counties to form teams rather than single counties; requires local protocols to be submitted to and approved by the Kentucky Multidisciplinary Commission on Child Sexual Abuse rather than the Attorney General, the Administrative Office of the Courts, the Cabinet for Human Resources, and the Justice Cabinet; requires the protocol developed by the state commission to be promulgated as an administrative regulation pursuant to KRS Chapter 13A by the Attorney General; amends KRS 431.650 to revise the required members of the Commission; permits the education representative on the state commission to be a school psychologist, school social worker, or school counselor; requires the chairperson to be elected annually from the membership; amends KRS 431.660 to permit the Commission to hire staff within budget limitations; amends KRS 620.020, relating to Juvenile Code definitions, to clarify definition of multidisciplinary teams; amends KRS 620.040 to clarify requirements for local team membership and protocols; and amends KRS 620.050 to allow the Cabinet for Human Resources to release information obtained during investigations to the local child sexual abuse investigation teams.

HB 80

AN ACT relating to the discipline of students.

Amends KRS 158.150, relating to suspension or expulsion of students, to conform with the Federal Gun-Free Schools Act of 1994 and to require that local school districts adopt a policy to expel for a period of one year students who bring weapons to school; authorizes the local school district to modify the penalty of expulsion on a case-by-case basis and to provide alternative educational programs for expelled students.

HB 90

AN ACT relating to veterans' affairs.

Creates a new section of KRS Chapter 36 to establish the Department of Veterans' Affairs attached to the Governor's Office for administrative purposes; prohibits attachment to another organizational unit except by legislative action; includes the Advisory Board for Veterans' Affairs in the department; directs the department to provide

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veterans' services now assigned to the Center for Veterans' Affairs; amends KRS 40.460 to direct that money in the Veterans' Program Trust Fund be used for veterans' programs administered by the Department of Veterans' Affairs; amends KRS 12.020 and various sections of KRS Chapter 36 to conform.

HB 93

AN ACT relating to license plates.

Creates new sections of KRS Chapter 186 to establish special license plates for veterans, nurses, US Olympic committee supporters, youth soccer supporters, Kentucky Tech program supporters, union members and child victim's trust fund supporters. Allows for fees to be collected, upon application and renewal of certain plates, that can be sent to various funds that have been, or will be, set up for groups or programs that applicants want to support. Establishes common fees and guidelines for applying for these special plates. Requires at least nine hundred (900) applications to be received before the Transportation Cabinet is required to issue a special plate for a basic fee of fifty dollars (\$50). If more than eighteen hundred (1800) applications are received for a particular plate then the basic application fee is reduced to twenty-five dollars (\$25). Allows the cabinet to collect a deposit fee of twenty-five (\$25) from applicants that is to be returned to the applicant after one (1) year if less than nine hundred (900) requests are received and if the cabinet hasn't been asked in writing to retain the deposits.

HB 94

AN ACT relating to child fatality review.

Creates several new sections of KRS Chapter 211, whose purpose is to reduce the number of child fatalities; require interpretation to aid, assist, and complement the coroner in the performance of statutory duties, rather than limit or restrict the coroner's power, authority, duty, or responsibility; define "child fatality", "local child fatality response team", and "state team"; permits the Department for Health Services of the Cabinet for Human Resources to establish a state child fatality review team; lists the professions and agencies which shall be represented on the state team specify membership and duties of the state team; specifies duties of the state team; permits every county or group of contiguous counties to establish a local child fatality response team; clarifies that the local coroner may establish a local child fatality response team, but the representatives of various professions and agencies shall be appointed by and serve at the pleasure of the agency the member is representing; establishes the duties and membership of the local team; permits the coroner and the local team to have access to all medical and social records of any child under the age of eighteen (18) years who has died; requires all meetings, reports, and records of the state and local teams to be confidential except the annual report which does not include identifying information; limits access by local child fatality response teams to the records of physicians, hospitals, mental health professionals, and others, as the records relate to children who have died; creates a new section of KRS Chapter 72, to require every coroner to submit a monthly report to the department if a child under the age of eighteen (18) years has died within the county during the preceding month; requires the monthly reporting form to be developed by the Department for Health Services, in consultation with the Kentucky Coroners Association;

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amends KRS 72.410 to require the coroner to contact the local social services, law enforcement, and health department to determine the existence of relevant information concerning the death of a child which is considered a coroner's case; and requires agencies providing services to the child or the child's family to provide the coroner with the cooperation, assistance, and information necessary to fulfill the coroner's responsibilities.

HB 95

AN ACT relating to the State Board for Elementary and Secondary Education.

Amend KRS 156.160 to grant authority to the State Board for Elementary and Secondary Education to waive administrative regulations when school districts and schools can demonstrate good cause, hardship or alternatives that will produce the same results.

HB 96

AN ACT relating to student discipline codes.

Amends KRS 158.148 to require local school districts to have student discipline codes available for inspection, rather than filing the document with the State Board for Elementary and Secondary Education for approval.

HB 97

AN ACT relating to certified school employee evaluation programs.

Amends KRS 156.101 to delete the requirement that local school districts annually review certified employee evaluation plans; and requires the State Board for Elementary and Secondary Education to approve revisions to the plan and to notify local school districts of statutory responsibilities for evaluation plans.

HB 99

AN ACT relating to the Principals Assessment Center.

Repeals KRS 156.105, which requires the Department of Education to establish a Principals Assessment Center whose assessment program must be completed within one year of assuming duties as a principal.

HB 100

AN ACT relating to education.

Amends KRS 158.060, relating to the school day, to clarify that for purposes of calculating the allowable length of lunch duty, a teacher's noninstructional time does not include the time a teacher must be at school prior to the student's instructional day; permits the commissioner of education, as opposed to the state board, to approve a program of less than six hours for students with disabilities and children attending a primary program; amends KRS 158.070, relating to the school term, to require no less than the equivalent of 175 six-hour instructional days; amends KRS 159.270, relating to a false report of the school census, to delete the requirement of reporting the census to the chief state school officer; amends KRS 157.320, as it relates to the calculation of kindergarten pupil attendance, to conform.

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HB 101

AN ACT relating to local school district finance.

Amends KRS 157.360, relating to the school funding formula, to require home and hospital instruction funding to be based on average daily attendance for the prior year rather than the current year; amends KRS 157.420, relating to the use of school funds, to require the maximum unused sick leave escrow account amount to be determined by the number of staff employed in the school district on September 15; amends KRS 157.440, relating to equivalent tax rates, to establish the manner of submitting and voting on the question of a tax levy; amends KRS 157.615, relating to the School Facilities Construction Commission, to modify the definition of available local revenue; and repeals KRS 160.477 relating to the special voted building fund tax.

HB 102

AN ACT relating to experimental school programs.

Repeals KRS 157.510, 157.520, 157.530, and 157.540, relating to experimental school programs operated on a basis other than the standard school month, term, or year; amends KRS 158.080 to conform.

HB 103

AN ACT relating to expulsion of students.

Amends KRS 167.170, relating to expulsion of students, to allow the State Board for Elementary and Secondary Education to delegate to a three (3) member panel of the board the power to expel a pupil from the Kentucky School for the Blind or the Kentucky School for the Deaf.

HB 104

AN ACT relating to the Kentucky Educational Savings Plan Trust.

Amends KRS 164A.305 to change the definition of "higher education costs" to be consistent with the federal definition; amends KRS 164A.330, relating to the Kentucky Educational Savings Plan Trust, to allow payment of benefits to be delayed by the participant for a designated period of time.

HB 106

AN ACT relating to child protection.

Amends KRS 17.160 relating to record checks for persons dealing with children to allow checking records of the Administrative Office of the Courts as well as the State Police; specifies no charge can be made for record checks if funding is provided elsewhere; defines which organizations may request checks; places a 5-year time limit on the disclosure of misdemeanor drug and DUI offenses; provides that AOC may charge a fee to cover the actual costs of providing the record if some other funding source does not become available.

HB 107

AN ACT relating to state purchasing.

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Amends KRS 45A.100 to delete existing monetary limits for construction projects and other purchases which may be made under small purchasing authority, and establishes new limits as follows: \$10,000 for construction and \$1,000 for purchases by any government agency other than Finance and Administration, institutions of higher education, and the legislative branch; \$20,000 for construction and purchases for the Finance and Administration Cabinet, state institutions of higher education, and the legislative branch; clarifies that the Secretary of Finance and Administration may adjust an agency's limit, with cause, up to a maximum limit of \$20,000 for construction and purchases; requires that purchases over \$25,000 (rather than \$10,000) be advertised in the newspaper; and applies contract advertising provisions to state institutions of higher education.

HB 111

AN ACT relating to tuberculosis control.

Creates new sections of KRS Chapter 215 to add and define the terms "active tuberculosis" and "isolates"; requires every physician to order drug susceptibility tests on initial isolates from all patients with active tuberculosis to confirm the anticipated effectiveness of chemotherapy; requires test repeats after three months of treatment if the patient continues to produce culture positive results; amends KRS 215.520 to remove the duty of the secretary of the Cabinet for Human Resources to operate tuberculosis control hospitals and a system of outpatient clinics and X-ray facilities and instead requires the secretary for Human Resources to facilitate appropriate clinical services for either recalcitrant or drug resistant persons with active tuberculosis; allows the Cabinet for Human Resources to contract for services for persons with tuberculosis and to pay rates deemed necessary; amends KRS 215.540 and 215.550 to substitute the term "active tuberculosis" for "communicable tuberculosis"; requires persons diagnosed with active tuberculosis to have a legal responsibility to take reasonable precautions to prevent transmission of the infection to others; requires reasonable precautions to be least restrictive without sacrificing the efficacy of protection; prohibits persons diagnosed with active tuberculosis requiring further examination or treatment from refusing to submit to the examination or treatment upon reasonable request; amends KRS 215.560 to provide for filing of affidavits with local health departments for further investigation and compliance with other needed precautions when a person with active tuberculosis is suspected of knowingly failing to comply with the provisions of KRS 215.520 to 215.600, instead of providing for the filing of affidavits with any court for the purpose of directing the person with communicable tuberculosis to submit to an examination by a physician; provides for further intervention through the District Court if the person refuses to comply with the local health department order for needed precautions; amends KRS 215.570 to increase penalties for violations of specified orders from fines of \$500 or six months imprisonment to fines of from \$500 to \$1,000 or imprisonment of 6 to 12 months; Amends KRS 215.580 to provide for compensation for attorney's services in the proceedings under KRS 215.520 to 215.600; amends KRS 215.590 to expand the types of health facilities or health services or licensed health providers required to report cases of active tuberculosis to the local health department; provides for reporting of results of drug susceptibility tests on tubercle bacilli; repeals KRS 215.014, which allows the

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Cabinet for Human Resources to treat patients with histoplasmosis and other pulmonary fungus diseases in the state tuberculosis hospitals.

HB 112

AN ACT relating to waste tire facilities.

Directs the Natural Resources and Environmental Protection Cabinet to require waste tire processors and recyclers to give financial assurances, including corporate guarantees, that the facility will be properly closed.

HB 113

AN ACT relating to corporations.

Amends KRS 271B.8-060 to reduce from 9 to 2 the minimum number of directors necessary before their terms may be staggered.

HB 117

AN ACT relating to juvenile justice matters.

Creates a new section of KRS Chapter 15A to define duties of the Department of Juvenile Justice in the Justice Cabinet; creates and amends various sections of KRS Chapters 600, 605, 610, 635, 640, 645 and other statutes to try juveniles for capital offenses at age 14; broadens dispositional alternative of District Courts; transfers responsibility for juvenile postadjudication facilities for status and public offenders from Cabinet for Human Resources to Department of Juvenile Justice; permits sharing of determination of delinquency with schools; makes violent juvenile felony records public; require Administrative Office of the Courts to maintain juvenile records; permits courts to order juveniles to do community labor; require parents to pay for representation of juvenile unless indigent or victims of the child's crime; requires juvenile court to charge court costs; limits predispositional alternatives of court designated workers; requires county attorney to approve juvenile diversion programs; permits victim access to diversion hearing; requires county attorney and Commonwealth's attorney to consult on juvenile felony cases; permits juvenile felony records to be used in adult court; and prohibits schools from discriminating against child because of report of juvenile record; delays implementation of most provisions to July 1 or July 15, 1997.

HB 118

AN ACT relating to speech-language pathology.

Amends KRS 334A.033, relating to licensure for speech-language pathology assistants, to delete the requirement that applicants for licensure as a speech-language pathology assistant pass an approved examination and to require that the maximum number of pupils served by each speech-language pathology assistant not exceed the direct service caseload of speech-language pathologists; creates a new section of KRS Chapter 334A, relating to speech-language pathology, to establish caseload limitations for speech-language pathologists, including a limit of 75 pupils per speech-language pathologist for the 1997-1998 school year, 70 pupils for the 1998-1999 school year, and 65 pupils for the 1999-2000 school year and thereafter.

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HB 120

AN ACT relating to children.

Amends KRS 620.170, relating to the voluntary commitment of children to the Cabinet for Human Resources, to entitle any parent, guardian, or other person having legal custody who consents to the voluntary commitment to participate in treatment planning for the child.

HB 126

AN ACT relating to criminal record checks.

Creates a new section of KRS Chapter 17 to permit certified paid and volunteer fire departments, ambulance services, and rescue squads to make felony criminal record checks through the Justice Cabinet or the Administrative Office of the Courts.

HB 130

AN ACT relating to campaign finance.

Amends KRS 121A.020 to require slates of candidates for Governor and Lieutenant Governor to file reports of contributions received and expenditures made not later than three days after the fifty-sixth, forty-second, twenty-eighth, and fourteenth days before a primary and regular election and to require slates of candidates for Governor and Lieutenant Governor, for each campaign finance reporting period, to report contributions received as of the last day of each reporting period, regardless of whether they have been deposited in the slate's campaign account; amends KRS 121A.030 to change the cutoff for accepting contributions from thirty to twenty-eight days before the primary or regular election; amends KRS 121.150(23) to conform to the fundraising cutoff deadline; amends KRS 121.150 to delete definition of "independent expenditure" and to delete prohibition against a candidate making a charitable contribution; amends KRS 121.015 and KRS 121A.010 to clarify the definition of "permanent committee", to include a definition of "independent expenditure", and to exclude independent expenditures from the definition of "contribution"; amends KRS 121.035 to clarify the instances in which a corporation may make a campaign contribution in support of a ballot question and to specify that a not-for-profit corporation is not prohibited from making an independent expenditure if it does not derive a substantial portion of its revenue from for-profit corporations; amends KRS 121.170 to delete the assessment of an administrative registration fee for PACs; amends KRS 121.180 to delete the assessment of a fee based on contributions PACs make to candidates; amends KRS 121.190 to clarify the disclaimer requirements for political advertisements; amends KRS 121.990 to clarify the criminal penalty provisions for a knowing violation of the political advertisement disclaimer requirements; and amends KRS 121A.020, 121A.030, and 121A.050 to conform.

HB 132

AN ACT relating to the duties and powers of the Registry of Election Finance.

Amends KRS 121.120 to permit the Registry of Election Finance to conduct random audits of campaign finance committees.

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HB 133

AN ACT relating to campaign contributions to slates of candidates for Governor and Lieutenant Governor.

Amends KRS 121A.050 to clarify that a state or county executive committee of a political party may each contribute the maximum permissible amount to a slate of candidates for Governor and Lieutenant Governor and to delete the unconstitutional \$100 contribution limit to a slate of candidates that has rejected public financing.

HB 134

AN ACT relating to limitations on campaign contributions to slates of candidates.

Amends KRS 121A.050 to provide that persons who share the cost associated with the purchase of or payment for goods, advertising which expressly advocates the election or defeat of a slate of candidates, or services for the benefit of a slate of candidates for Governor and Lieutenant Governor must report to the Registry of Election Finance as a contributing organization when the shared cost exceeds \$100 and must be bound by the \$500 contribution limit; and provides that this requirement will not be construed to restrict an individual's right to make a legitimate independent expenditure.

HB 135

AN ACT relating to campaign finance.

Creates a new section of KRS Chapter 121A to authorize the formation of and expenditure of funds by an exploratory committee to determine whether to form a slate of candidates for Governor and Lieutenant Governor; amends KRS 121.120 to require the Registry of Election Finance to include exploratory committees in the compilation of campaign finance data reports; amends KRS 121A.010 to define "exploratory committee"; and amends KRS 121A.020 to include surplus funds in an exploratory committee's account when closed to go into the election campaign fund for support of public financing of campaigns for Governor and Lieutenant Governor.

HB 137

AN ACT relating to higher education finance.

Establishes the National Guard Tuition Award Program in KRS Chapter 164 to be located in the Kentucky Higher Education Assistance Authority to provide tuition at state supported educational institutions for eligible members of the National Guard; requires the Kentucky Higher Education Assistance Authority to promulgate administrative regulations on financial management of the program; requires the Department of Military Affairs to establish eligibility requirements by administrative regulations; establishes eligibility criteria for nonresident members; and repeals KRS 38.500 relating to the educational encouragement fund.

HB 144

AN ACT relating to jails.

Amends KRS 441.045 to establish exemptions to determination of indigency regarding inmates in jails; allows imposition of a reasonable fee for the use of jail

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medical facilities by prisoners who have the ability to pay; and disallows any denial of treatment because of lack of ability to pay from inmate account.

HB 145

AN ACT relating to small business.

Requires the expanded staff and operation of the Kentucky Small Business Development Center to be used in the network of centers throughout the state; establishes a separate appropriation unit within the University of Kentucky budget for the Kentucky Small Business Development Center network regional offices.

HB 149

AN ACT relating to state symbols.

Creates a new section of KRS Chapter 2 which names and designates the thoroughbred horse the state horse of Kentucky.

HB 151

AN ACT relating to the appointment and removal of special district officials.

Amends KRS 75.031 to permit the county judge/executive with fiscal court approval to fill a vacancy on the board of trustees of a fire protection district; amends KRS 179.715 to permit the removal for cause of appointed members to the board of trustees of a subdivision road district; amends KRS 269.130 to permit the removal for cause of members of the board of commissioners of a drainage district; and amends KRS 76.277 to make conforming changes.

HB 154

AN ACT relating to elections.

Amends KRS 116.112 to require the State Board of Elections to perform duties relating to voter registration maintenance unless a county board of elections wishes to perform them in its county; amends KRS 116.045 to permit county clerks to process voter registration applications received while the voter rolls are closed but prohibit voting by those persons whose applications are processed during that period and to prohibit removal of a voter's name from the registration rolls because of change of address unless there is confirmation that the voter has moved outside the county; amends KRS 116.0452 to deem voter registration applications as timely received prior to the closing of the voter rolls if they are postmarked prior to the closing date; amends KRS 117.035 to declare that service on a county board of elections is compatible with holding city office; amends KRS 117.045 to require notice regarding a political party's duties in an election to be made to the state central committee instead of to each county party committee and to conform hearing procedures for removal of a precinct election officer with uniform administrative hearing procedures; amends KRS 117.085 to clarify qualifications of voters who may vote by paper absentee ballot, to permit rather than require appointed members of a county board of elections to supervise absentee voting in the clerks' offices, but without being compensated for that service, but if the county board members do not choose to serve to require the county clerk or deputy county clerks to supervise the absentee voting, and to permit a county board of elections to conduct absentee voting in

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the county clerk's office for a period longer than the 12 working days prior to an election; amends KRS 117.235 to prohibit electioneering only on the day of an election and to clarify authority for a county to prohibit electioneering beyond the state limit of 500 feet from the polls; amends KRS 117.315 to require that lists of challengers be submitted to the county clerks at least 20 days before an election; amends KRS 117.345 to delete the requirement that the State Board of Elections pay counties for ballot paper; amends KRS 117.365 to permit clerks to submit photocopies of absentee ballot applications to the grand juries and to require county clerks to keep all applications for absentee ballots and one copy of each voter assistance form as part of the records of the office and to require the county clerk to produce certified copies of those forms when required to any subsequent grand jury; amends KRS 117.379 to streamline the certification process for electronic voting systems; amends KRS 117.381 to require voting equipment to be capable of tabulating vote results at the precinct; amends KRS 118.025 to require schools to be closed only on regular election days; amends KRS 118.215 to require certification of candidates' names 10 days after each candidate filing deadline; amends KRS 118.225 to change the filing deadline for the regular election to the second, rather than the first, Tuesday in August, except in presidential election years, when candidates for President and Vice-President must file their nomination papers no later than the first Tuesday in September; amends KRS 118.255 to conform candidate filing fees charged for candidates who file with the Secretary of State to those charged by county clerks; amends KRS 118.365 to change the filing deadline for the regular election to second Tuesday in August, except for presidential election years when candidates for President and Vice-President must file their nomination papers by the first Tuesday in September, and to require that all petitions relating to the regular election be filed by the filing deadline; amends KRS 118.415 to conform date for certification of proposed constitutional amendments with amended filing deadline for the regular election; amends KRS 83A.045 to conform filing deadlines and to require vacancies in nonpartisan candidacies for city office to be filled by write-in voting; amends KRS 83A.120 to require that petitions for local government referenda be filed by the August filing deadline for the regular election; amends KRS 64.012 to provide a maximum fee of \$50 which a county clerk may charge for filing a referendum petition; and amends various other KRS sections to conform.

HB 159

AN ACT relating to a state autism training center.

Creates new sections of KRS Chapter 164, relating to higher education, to authorize the Council on Higher Education in Kentucky to operate a state autism training center; requires the Council on Higher Education contract with a public institution of higher education to carry out the program; defines terms; sets forth powers of the Council on Higher Education in Kentucky with respect to establishing and operating a state autism training center; requires the autism training center to offer appropriate education and training for professional personnel and family members or guardians; requires center to provide: staff with expertise in autism, individual and direct family assistance, technical assistance and consultation services, professional training programs, and public education programs about autism; authorizes the council to promulgate administrative regulations providing for the operation of a state autism training center; requires the

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Council on Higher Education in Kentucky to appoint a citizen advisory board to advise the center director and sets forth the composition of the board; requires services to be provided through the use of trainee teams; permits the center to charge fees and reimburse trainee team and client expenses.

HB 160

AN ACT relating to the Commonwealth's Attorney.

Amends KRS 15.740 and 15.755 to permit that the Commonwealth's Attorney become a full-time position effective January 1, 1997, with approval of the Prosecutors Advisory Council;

HB 161

AN ACT relating to deputy sheriffs.

Amends KRS 70.030 to require a deputy sheriff's term of office to continue from sheriff to sheriff in a county containing a city of the first class with a deputy sheriff merit system; amends KRS 70.260 to allow such a merit system to exclude deputy sheriffs who serve in policy-making or confidential positions; amends KRS 70.263 to allow prior training to count toward a deputy's training requirement; amends KRS 70.270 and 70.273 to conform.

HB 163

AN ACT relating to children.

Amends KRS 387.305 to require a guardian ad litem to advocate for the client's best interest and specifies that a guardian ad litem without an appointment pursuant to KRS 387.305 or the juvenile code does not have an obligation to initiate action or to defend the client in other proceedings.

HB 166

AN ACT relating to local option elections.

Amends KRS 242.020 to limit the time for circulating a petition for a wet/dry issue to a six month period.

HB 167

AN ACT relating to petroleum underground storage tanks.

Amends various sections of KRS Chapter 224 to define and redefine terms, for example the term "motor fuel"; changes the Petroleum Storage Tank Environmental Assurance Fund Commission quorum to 6 from 5; limits third party claims against the fund and eliminates claims for damage to natural resources; clarifies the per occurrence limits on payments from the fund; limits eligibility to participate in the fund to petroleum storage tanks containing motor fuels; allows the fund to be used to operate the small operator's assistance account; allows the fund to be used to reimburse the reasonable cost of tank removal for small owners; extends the deadline to register tanks to 1998; makes conforming changes.

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HB 168

AN ACT relating to transporting overweight products.

Amends KRS 189.2715 to increase annual fee from two hundred fifty dollars (\$250) to five hundred dollars (\$500) for transporting overweight non-divisible loads along specific routes and sets axle weights.

HB 175

AN ACT relating to the Finance and Administration Cabinet.

Authorizes the Finance and Administration Cabinet to establish a gift shop in the public areas of the New State Capitol; requires goods sold in the gift shop to be made in the United States; requires at least 50% of gift shop's inventory to be products made by Kentucky residents.

HB 177

AN ACT relating to solicitation of legal clients.

Creates a new section of KRS Chapter 21A to prohibit an attorney or an attorney referral service, or someone acting on his or its behalf, from soliciting legal clients for the first 30 days following certain events; establishes the penalty of a Class A misdemeanor when a person violates any provision of the Act; permits Supreme Court to discipline an attorney for violating statute, in addition to, or in lieu of, criminal prosecution; permits solicitation via advertising directed at the general public and attorney referrals from friends and neighbors.

HB 186

AN ACT relating to health insurance.

Creates a new section of Subtitle 17A of KRS Chapter 304 to require a health benefit plan that provides maternity coverage to provide coverage for inpatient care for a mother and her newly-born child for a minimum of 48 hours after a vaginal delivery and a minimum of 96 hours after delivery by Cesarean section; provides that a health benefit plan that covers an initial postpartum visit is exempt if the attending physician with agreement of the mother authorizes a shorter length of stay if criteria for medical stability are met.

HB 189

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

Amends KRS 198B.658 to permit one year of teaching experience in an approved HVAC program to substitute for one year of the employment experience required for licensure; specifies that experience gained under the Kentucky Labor Cabinet's and U.S. Department of Labor's apprentice registry shall count toward credit for journeyman license, specifies that apprentices not be required to pay registration fees; amends KRS 198B.676 to remove initial application fee for apprentice HVAC mechanic license.

HB 192

AN ACT relating to special districts.

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Amends KRS 65.065 to require that special district audits conform to standards issued by the Comptroller General of the United States; and permits the state auditor to request additional procedures and reporting requirements of independent auditors.

HB 194

AN ACT relating to alternative certification of secondary school teachers.

Amends KRS 161.048 to create an alternative certification process for persons who have a master's or doctoral degree in a subject area and five (5) years of teaching experience in that subject area at a regionally or nationally accredited institution of higher education.

HB 201

AN ACT relating to distilled spirits and wine auctions conducted by charitable organizations.

Creates a new section of KRS Chapter 243 to establish a special temporary distilled spirits and wine auction license for charitable or nonprofit organizations and establishes the fee at \$100; specifies the activities which the license authorizes; specifies that the license is subject to all restriction and limitations contained in other alcoholic beverage statutes; limits the license to a 30 day period during which only 1 auction may be conducted; authorizes distillers, rectifiers, vintners, wholesalers, distributors, or retailers to donate, give away, or deliver distilled spirits and wine to charitable organizations possessing a special temporary distilled spirits and wine auction license; amends KRS 241.010 to define the term "charitable organization or nonprofit organization"; amends KRS 243.030 to set the fee for a temporary wine auction license at \$100; and amends KRS 243.020 to allow businesses that do not hold alcoholic beverage licenses to permit auctions on their premises.

HB 205

AN ACT relating to training for school-based decisions making council members.

Amends KRS 160.345 to require training on the school-based decision making process for all school-based decision making council members to be conducted by trainers endorsed by the Department of Education; specifies that training is to include training on the authority, duties, and responsibilities of school council members; requires a minimum of six (6) hours of training for new council members and a minimum of three (3) hours for council members who have served at least one (1) year; and requires training to be completed no later than thirty (30) days from the beginning of the service year or within thirty (30) days after election, if the election is during a school year to fill a vacancy.

HB 206

AN ACT relating to forestry.

Creates a new section of KRS Chapter 149 to establish the Kentucky Forest Resource Council; provides for the appointment of 16 members to the council; requires the council to report to the Governor and the Legislative Research Commission with

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respect to forest resource policies and practices that result in the wise management, use, and protection of the state's forest resource.

HB 207

AN ACT relating to campaign finance reports.

Amends KRS 121.180 to require that a media advertising vendor which sells its services or advertisements for or to a slate of candidates for Governor and Lieutenant Governor must report the name and address of each purchaser of campaign advertisements or services to the registry, to change the reporting timetable for those reports to 30 days before and after each election after the ad is broadcast or printed, and to provide that penalty for violation will only be a civil fine, not a Class D felony.

HB 208

AN ACT relating to loans for assistive technology.

Creates new sections of KRS Chapter 151B to establish a revolving loan fund for the purpose of providing low-interest loans to disabled persons to acquire assistive technology to allow them to become more self-sufficient; defines terms; creates the Kentucky Assistive Technology Loan Corporation as an independent, de jure municipal corporation with the responsibility for administering the loan fund; creates a board of directors consisting of seven (7) members to act on behalf of the corporation; specifies the membership of the board to represent defined interests and expertise; establishes the terms of membership and the terms and conditions under which the board shall operate; directs the Cabinet for Workforce Development to provide necessary staff and administrative services for the board; states the primary powers, duties, and responsibilities of the corporation which are conferred on the board; establishes the assistive technology loan fund as a permanent and perpetual revolving fund to be funded with appropriations and money from various other sources to be used to provide loans through qualified financial lending institutions; and requires an annual financial report to the Governor and the Legislative Research Commission, and a biennial audit at the discretion of the Auditor of Public Accounts.

HB 210

AN ACT relating to volunteers for abused, neglected, and dependent children.

Amends KRS 620.100 to permit a court appointed special advocate volunteer to be appointed to represent the best interests of a child who is in court due to abuse, neglect, or dependency; amends KRS 620.500 to clarify definitions for CASA program, volunteer, and case; amends KRS 620.505 to require local CASA programs to be governed by a local board; establishes board membership and duties; requires local programs to ensure adequate supervision of volunteers at a ratio no greater than one (1) supervisory staff person for every fifty (50) cases to which volunteers have been assigned; clarifies duties of local program director and volunteers; amends KRS 620.510 to permit the Administrative Office of the Courts to provide secretarial and support services to local programs; amends KRS 620.515 to clarify minimum requirements for CASA volunteers, and to include a check of the child abuse and adult protection registry maintained by the Cabinet for Human Resources; amends KRS 620.520 to clarify duties

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of District Court clerks to notify and provide copies of court orders to CASA programs when a volunteer is appointed by the court; clarifies the volunteer's access to information and records pertaining to the child including, but not limited to, records of the cabinet, child-caring facilities, schools, health care providers, and law enforcement; amends KRS 620.525 to reorder and clarify the duties of the CASA volunteer to more adequately reflect the nature of the duties; amends KRS 620.530 to require, rather than permit, the establishment of a state court appointed special advocate association and delete the requirement for reimbursement of travel costs; amends KRS 620.535 to include in the responsibilities of the state association establishment of standards for program directors and other staff in addition to volunteers; requires development of uniform reporting requirements for local programs to submit annual data reports; requires association to submit a report and recommendations by February 1 in odd-numbered years instead of annually by August 1; amends KRS 620.540 to permit the state association to receive private funds and local government funds in addition to state and federal government funds to assist existing local programs, local efforts to start new programs, or other appropriate activities; amends KRS 620.545 to require each local program to submit an annual report to the state association and the cabinet; amends KRS 620.550 to require the cabinet to notify the local program in addition to the volunteer and the court when it schedules treatment planning conferences and reviews; creates a new section of KRS 620.500 to 620.550 to establish the minimum qualifications and duties of the state director of the state Court Appointed Special Advocate Association.

HB 212

AN ACT relating to employees of the General Assembly.

Repeals and reenacts KRS 6.230, as amended by 1994 First Extraordinary Session Acts Chapter 3, which increased per diem compensation for General Assembly employees, retroactive to June 6, 1994.

HB 214

AN ACT relating to architecture.

Amends various sections of KRS Chapter 323 to delete requirement that an applicant for a license to practice architecture be a resident of Kentucky; increases licensing fees to a maximum of \$150 each for the restoration of a voluntarily surrendered license, the reinstatement of a license revoked for failure to pay the annual fee or suspended by the board, and a renewal certificate; increases licensing fee for an architect licensed in another state from a maximum of \$75 to a maximum of \$200; deletes requirement that examination fee not exceed actual cost to the board and insert, in lieu thereof, a requirement that the examination fee be borne by the applicant; clarifies that an applicant who fails the architect examination may retake the examination anytime within three years without paying additional moneys to the board for processing the subsequent application; permits the architecture board to decide whether to license on an annual or biannual basis, as long as the basis is established in administrative regulations; permits the board to double the annual renewal fee for any license issued for a two-year period; establishes as a ground for refusing to issue or reissue a license, failure to comply with continuing architectural education requirements imposed by the board; changes daily

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remuneration of board members from \$75 to \$100; establishes that four members of the board are required to have a quorum; permits the board to require continuing education as a condition for renewing one's architect license.

HB 215

AN ACT relating to state procurement of bond underwriter and bond counsel services.

Amend KRS 45A.843 to change the number and type of individuals who sit on the selection committee which chooses underwriters and bond counsel for state bond issuance; amends KRS 45A.850 to permit the executive director of the Office of Financial Management and Economic Analysis to extend the contract of an underwriter or bond counsel for an additional 12 month period instead of the current provision which permits extension until the end of the Commonwealth biennium; clarifies that during a comanaging underwriter's contract, that comanaging underwriter may not be used on every bond issuance; amends KRS 45A.853 to prohibit the consideration of a firm for an underwriting or bond counsel contract unless that firm has prequalified prior to the date of issuance of the request for proposals; deletes from request for proposals from underwriters the statement on whether the winning underwriter will be hired for a remarketing of a bond issue; requires each member of a selection committee to keep a log of all contacts with firms which have responded to a request for proposals; amends KRS 45A.857 to delete the requirement that all firms are notified of the 3 finalists; amends KRS 45A.860 to require that after the awarding of an underwriter or bond counsel contract, each firm which responded to the request for proposals shall be notified of the winning firm's name; requires the Finance and Administration Cabinet to retain the logs and completed evaluation sheets used in the procurement process; requires the cabinet to permit public inspection of these documents.

HB 216

AN ACT relating to state procurement of architectural and engineering services.

Amends KRS 45A.810 to permit more than 1 employee of the Auditor of Public Accounts to serve on a state architectural services selection committee or a state engineering services selection committee; adds a new section of Chapter 45A.800 to 45A.835 as an alternative process, in lieu of that provided by 23 U.S.C. sec. 112(b)(2), for federal highway projects.

HB 218

AN ACT relating to purchases by local school districts.

Amends KRS 45A.300 relating to cooperative purchasing to allow local school districts to acquire supplies outside of the public purchasing agreements if those supplies meet the same specifications as the contract items, are available at a lower price, and the purchase does not exceed \$2500 and to allow public purchasing units to accept special reductions under current pricing agreements if certain conditions are met, even if the special price requires the purchase of a specified quantity different than the quantity specified in the pricing agreement; amends KRS 45A.360 to allow local school districts to adopt regulations governing the conditions and procedures for purchasing supplies

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from retail establishments if those supplies meet the same specifications as the contract items, are available at a lower price, and the purchase does not exceed \$2500; amends KRS 45A.420 to allow local school districts to acquire supplies outside of price agreements with the Commonwealth of Kentucky if those supplies meet the same specifications as the contract items, are available at a lower price, and the purchase does not exceed \$2500; amends KRS 156.076 to allow boards of education to purchase technology supplies and equipment elsewhere without advertising for bids if the board obtains certification from the Department of Education that the items to be purchased meet or exceed, at a lower cost, the specifications for the components under the state education technology system price contracts and to allow boards of education to purchase non-technology supplies and equipment elsewhere without advertising for bids if the board obtains certification from the district's finance or purchasing officer that the supplies meet the same specifications as the contract items, are available at a lower price, and the purchase does not exceed \$2500; amends KRS 424.260 to allow local school districts to acquire materials, supplies, and equipment outside of the bidding procedures provided the bidding procedure has not begun.

HB 220

AN ACT relating to vehicles.

Amends KRS Chapter 186A to reduce the paperwork associated with the titling of vehicles; provides for a speed title for a fee of twenty-five dollars (\$25).

HB 221

AN ACT relating to hunting and fishing licenses.

Amends KRS 150.170 relating to fish and wildlife to allow any resident declared totally and permanently disabled by the United States Railroad Retirement Board to hunt and fish without a license.

HB 225

AN ACT relating to crimes and punishments.

Amends KRS 237.060 relating to firearms and ammunition to change the name of Black Talon ammunition to "Flanged" ammunition; amends KRS 527.080 relating to the use of restricted ammunition in crimes to conform.

HB 226

AN ACT relating to criminal records.

Amends KRS 431.078 relating to expungement of misdemeanor records to permit the expungement of any criminal record for a defendant found not guilty or against whom charges have been dismissed; payment of twenty five dollar fee to pay for expungement of records to be deposited into a trust and agency account for deputy clerks; amends KRS 17.142 relating to criminal records to conform.

HB 229

AN ACT relating to the real estate transfer tax and declaring an emergency.

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Amends KRS 142.050 to delete the provision of KRS 142.050(7) addressing transfers between individuals and corporations, and replace it with a provision permitting a proportionate exclusion for property transferred from an individual to an entity in an amount equal to the transferor's interest in the entity; permits proportional exclusion for transfers from an entity to an individual upon dissolution of the entity, in an amount equal to the proportionate interest of the transferee; EMERGENCY.

HB 233

AN ACT relating to the Education Professional Standards Board.

Amends KRS 161.028, relating to the Education Professional Standards Board, to increase membership from 15 to 17 by adding 1 teacher and 1 chief academic officer of an independent college.

HB 234

AN ACT relating to districts of fire districts.

Amends KRS 75.015 relating to fire protection subdistricts to provide for separating subdistrict taxes on property tax bills and for separate accounting of subdistrict funds.

HB 236

AN ACT relating to juvenile records.

Creates a new section of KRS Chapter 610 to provide full attorney access to juvenile records when they are representing children under the juvenile code or in adult criminal proceedings.

HB 237

AN ACT relating to jail standards.

Amends various sections of KRS Chapter 441 and KRS 532.100 relating to jails and prisoners to apply state jail standards only to jails in counties desiring to hold state prisoners in their jails and to require counties by local regulation to operate a safe, secure, and clean jail facility.

HB 239

AN ACT relating to farm animals.

Declares the necessity of instructing persons engaging in farm animal activities of the inherent risks of the activity; defines terms; requires farm animal participants to act responsibly and be aware of inherent risks of farm animal activities; prohibits claims against farm animal activity sponsors for injuries resulting from farm animal activities; declares possible liability of farm animal activity sponsors in certain circumstances; creates rebuttable presumption that conduct of farm animal activity sponsor was not negligent; requires sponsors to warn participants of inherent risks of farm animal activities.

HB 240

AN ACT relating to farm vehicles.

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Amends KRS 186.050 to delete the requirement that a farmer certify that he is solely engaged in farming in order to register a vehicle as a farm vehicle; clarifies that the registration provisions for farm vehicles do not include vehicles used in for-hire transportation; provides that farm vehicles over 38,000 pounds be used solely and only for farm use.

HB 241

AN ACT relating to motor vehicle licensing.

Amends KRS 186A.100 to delete the requirement that temporary tags only be issued to vehicles not previously licensed in Kentucky; and allows county clerks to issue temporary tags to vehicles currently registered and titled in Kentucky for emergency and unusual purposes so as to maintain an owner's current registration.

HB 242

AN ACT relating to special license plates.

Creates a new section of KRS Chapter 186 to create a special license plate for the Marine Corps League; requires an the initial fee of \$50; requires a deposit of \$25 that will be credited against the initial \$50 fee to offset computer programming costs; requires 900 requests before the Transportation Cabinet must print the special Marine Corps League license plate.

HB 243

AN ACT relating to counselors.

Creates new sections of KRS Chapter 335 relating to the certification of professional counselors; limits the use of the title "certified professional counselor" to those meeting the requirements of this Act; establishes a 7-member certification board, composed largely of professional members; sets out the terms of office and the basis for disqualification; sets out the board's duties to include determining one's fitness to practice, granting inactive or retired status, promulgating administrative regulations as necessary, requiring continuing education, imposing sanctions and taking disciplinary actions, employing personnel, entering into reciprocal agreements with other state certification boards, and submitting an annual report to the Governor and the LRC; sets out the qualifications to be met; sets out a process and establishes fees for renewal; sets out the grounds by which the board may revoke, suspend, refuse to reissue or issue, or otherwise restrict a certificate; amends KRE 506 to make the communications between a certified professional counselor and his client privileged; requires those licensed after January 1, 1998, to complete a 400-hour internship; specifies as a condition for certification the completion of a minimum of sixty graduate hours; adds provision by which an otherwise qualified applicant with a master's or doctoral degree may be certified without meeting one of the following: passing a required examination or meeting hours of supervised experience.

HB 247

AN ACT relating to accounting.

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Amends various sections of KRS Chapter 325 to require that the experience of one who applies for certification be done under the supervision of a certified public accountant whose license was active during the time he supervised; permits persons to meet alternative experience requirement by combining alternative experience with experience obtained while in the employ of a public accounting firm; permits a firm to continue to use the name of a deceased or retired accountant in the firm's name for no more than two years, if the respective death or retirement of the certified public accountant results in there only being one (1) certified public accountant with an ownership interest.

HB 248

AN ACT relating to insurance.

Creates a new section of Subtitle 19 of KRS Chapter 304 to allow an insurer issuing credit health insurance coverage to credit union borrowers to be excluded from the premium rate limits of KRS 304.19-080 under certain conditions; the commissioner is mandated to give due consideration of a set a factors in order to determine whether to disapprove the rate of the premium.

HB 260

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

Amends KRS 139.480 to exempt from the sales and use tax llamas and alpacas and various items used in raising llamas and alpacas; exempts embryos and semen used in the reproduction of livestock from the sales and use tax; provides that the exemptions are retroactive to January 1, 1980; provides that the exemptions are effective for sales made through July 31, 2000.

HB 261

AN ACT relating to motor vehicles.

Amends KRS 186.060 to include leased vehicles in the procedures for licensing and registering government motor vehicles.

HB 264

AN ACT relating to energy efficiency in government buildings.

Creates new sections of KRS Chapter 56 to establish the Energy Efficiency Program for State Government buildings within the Finance and Administration Cabinet; directs the Division of Energy to assist the Finance and Administration Cabinet in the implementation; requires the program to implement low cost/no cost energy efficiency measures, engineering analyses, energy efficiency building improvements, and to monitor results; permits the use of energy performance, guaranteed energy savings, and other types of financing to implement energy efficiency measures in state buildings when general fund moneys are not available; requires training programs for building maintenance staff and employees; permits local government employees to participate in training programs; requires life-cycle energy costs analyses on bids submitted to construct or renovate state buildings and for any buildings leased or purchased by state government; permits state leases to incorporate financial incentives for the landlord to

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make energy efficiency improvements; requires the Finance and Administration Cabinet to report to LRC on progress made to maximize the use of energy efficiency measures in state government; authorizes the cabinet to promulgate administrative regulations to implement the program.

HB 267

AN ACT relating to persistent felony offenders and declaring an emergency.

Amends KRS 532.080 relating to persistent felony offenders to make the provisions of the 1994 amendment relating to restricting the use of persistent felony offender status found in 1994 Acts Chapter 396, section 11, retroactive; EMERGENCY.

HB 268

AN ACT relating to state personnel.

Creates a new section of KRS Chapter 18A to require the commissioner of the Department of Personnel to develop and propose a new system of classification and compensation to be transmitted to the LRC by November 15, 1997; directs that the proposed system ensure pay equity; provides that the commissioner include estimated funding requirements in the proposal.

HB 270

AN ACT relating to vocational agriculture teachers.

Amends KRS 157.360, relating to education funding and the allotment of program funds, to change the reference to the Office of Vocational Education to the Division of Secondary Vocational Education, to change the reference to salary allotments for vocational agriculture units to teachers, and delete the references to a twelve-month period of employment for agriculture teachers.

HB 271

AN ACT relating to highways.

Amends KRS 189.390, relating to the establishment of speed limits, to define a "highway work zone"; requires the Transportation Cabinet to promulgate administrative regulations to establish guidelines for the posting of signs warning motorists they are in a highway work zone and that penalties for traffic violations are increased within the zone; amends KRS 189.394, establishing fines for speeding, to double any fine assessed for speeding in a highway work zone; creates a Highway Work Zone Safety Fund within the Transportation Cabinet and provides that all fine revenues collected for speeding in a work zone are deposited into the fund; requires the fund to be used exclusively to hire or pay for enhanced law enforcement of traffic laws within highway work zones; amends KRS 189.390, establishing speed limits, to allow the Transportation Cabinet to temporarily reduce speed limits in highway work zones without conducting a traffic or engineering study; requires the cabinet to post the maximum speed limit within a work zone; prohibits individuals from destroying, defacing, or stealing temporary traffic control devices located in a highway work zone; establishes a \$50 fine for each traffic control device destroyed, defaced, or stolen and requires a person convicted under this

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section to make restitution to the owner of the traffic control device; provides for these funds to also be deposited in the highway work zone safety fund.

HB 276

AN ACT relating to the Kentucky Historical Society.

Amends KRS 171.313; requires the Kentucky Historical Society to restore and maintain the gravesites of former Governors of the Commonwealth.

HB 279

AN ACT relating to retirement.

Permits employees participating in a state-administered retirement system who meet certain service requirements and who were formerly employed in a regional community mental health and mental retardation services program, or were employed by a vocational technical school in a non certified part-time position averaging 80 or more hours per month, to obtain credit for the period of service in the mental health and mental retardation program or with the vocational technical school by paying to the state-administered retirement the full cost of the service credit purchased; permits employees participating in a state-administered retirement system who meet certain service requirements and who have served or are currently serving in an office established pursuant to KRS 160.160 and who have at least 15 years of service, to obtain credit not to exceed two years for the period of service in the office established pursuant to KRS 160.160, if the service purchased does not overlap the service in a position covered by another state-administered retirement system, by paying to the state-administered system the full cost of the service credit purchased.

HB 285

AN ACT relating to higher education assistance.

Creates a new section of KRS 164.740 to 164.785 to specify that no financial aid shall be disbursed to students who are inmates or incarcerated in penal institutions unless funds have first been provided to all other eligible students; amends KRS 164.740 to define penal institutions.

HB 287

AN ACT relating to additional uses of public utility refunds.

Amends KRS 393.080 relating to public utilities by: requiring the Finance and Administration Cabinet to enter into an agreement with a public utility to allow public utility sums in excess of \$1,000,000, remaining at the end of one year following the order for the refunds, to be remitted to the State Treasurer; exempting the public utility from further responsibility for future claims for refunds; and requiring the Kentucky Workers' Compensation Funding to establish a separate special expendable trust fund to preserve the rights of persons or ratepayers entitled to claim a refund under KRS 393.080, and to pay benefits of a bankrupt employer who purportedly was self-insured either individually or through a self-insurance group; creates a new section of KRS Chapter 393 that: designates the commissioner of the Department of Workers' Claims as the administrator of the trust fund; authorizes the commissioner to value the workers' compensation claims

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and develop a comprehensive distribution plan; exempts the Commonwealth and its agencies, except the workers' compensation special fund, from liability from eligible claimants who elect to participate in the comprehensive distribution plan; requires a claimant to agree not to file future actions relating to the workers' compensation claim or claims; provides for full payment of workers' compensation benefits, including past due income benefits, until the trust fund is exhausted; requires that eligible claimants shall elect participation in the comprehensive distribution plan within 60 days of its establishment; prohibits the special fund or the uninsured employers' fund from being considered as claimants for purposes of the comprehensive distribution plan; exempts medical benefits from distribution unless sufficient funds exceed the valuation of income benefits for all claims; includes existing security bond, letter of credit, or other form of security required of a bankrupt employer, in valuation of claims for the comprehensive distribution plan; authorizes deduction for special fund payments in the valuation of claims; prohibits accelerated payment of special fund payments in event of a settlement with the comprehensive distribution plan; restricts eligible claims to those filed before establishment of the comprehensive distribution plan or within 60 days of its establishment; provides commissioner with powers to administer the comprehensive distribution plan; requires eligible claimants to provide information requested by the commissioner; requires the Attorney General to represent the comprehensive distribution plan if its establishment is challenged; provides that administrative costs of administering the comprehensive distribution plan shall be paid from its investment income; limits attorney fees to maximums and limitations contained in KRS 342.320, as well as to the approval of the commissioner; and creates non-codified sections that: provide that the provisions establishing the comprehensive distribution plan shall expire on July 15, 1998; make the provision, relating to unclaimed utility rate sums, retroactive to February 1, 1976; and declare an emergency.

HB 290

AN ACT relating to motor vehicles.

Creates a new section of KRS Chapter 186 to establish a Knights of Columbus special license plate; establishes an initial state fee to \$50 to make the bill "revenue neutral"; requires a \$25 deposit when applying for a special plate; requires a minimum of 900 requests before the plate must be printed.

HB 291

AN ACT relating to motor vehicle license plates.

Creates a new section of KRS Chapter 186, relating to the licensing of motor vehicles, to require the Transportation Cabinet to create a generic special license plate; establishes procedures organizations and groups are to follow when applying to the cabinet for a special license plate; establishes an initial state fee of \$50 and a county clerk fee of \$3 for a special license plate; establishes an annual renewal state fee of \$11.50 and a county clerk fee of \$3; provides that a special license plate is to be replaced on the same schedule as regular license plates rather than every 5 years, unless the plate deteriorates; requires a person to apply for a special plate in person or by mail to the Transportation Cabinet in Frankfort rather than in the office of the county clerk; establishes a time frame

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for groups to submit a minimum number of requests before the cabinet must return deposit moneys; requires funds collected by the cabinet after computer programming costs have been met to be deposited into the state road fund; allows a special plate to be painted or allow a combination of paint and decals.

HB 297

AN ACT relating to debtor-creditor relations.

Amends KRS 186A.190 to require a county clerk to issue a new title to a vehicle, clear of all prior liens, to a creditor in possession of the vehicle after the creditor meets certain requirements; amends 186A.195 and 186A.200 to conform; requires that the sheriff inspect the vehicle, which the creditor wishes to title, to confirm that it is not a stolen vehicle.

HB 298

AN ACT relating to workers' compensation.

Amends KRS 342.012, to authorize members of a limited liability company to elect workers' compensation coverage; and to define "limited liability company" as an entity defined in KRS 275.015 and organized under the provisions of KRS Chapter 275; and amends KRS 342.020 to codify the workers' compensation medical fee schedule for physicians by making it effective until July 1, 1996, or until amendments to the schedule become effective, whichever occurs first.

HB 299

AN ACT relating to public officers and employees.

Amends KRS 64.060 to establish fees for peace officers; raises from \$3.00 to \$10.00 the fee when a peace officer apprehends a person on a felony charge or who is a fugitive from justice charged with a felony in Kentucky; raises from \$0.75 to \$3.00 the fee when a peace officer executes a summons upon a witness in behalf of the Commonwealth in a felony case; removes fee services relating to domestic violence and civil summons; amends KRS 64.090 to raise from \$10.00 to \$20.00 the fee when a sheriff executes and returns process; adds serving subpoena to each witness; amends fee to \$10; adds serving a civil summons in a nonsupport case at fee of \$10; amends KRS 64.092 to change the method for calculating the payment of a peace officer who attends court; amends KRS 186A.115 to change certification fee to \$5 from \$3 and change trip fee to \$10 to \$7; amends KRS 24A.170 and 23A.200 to raise service of process fee from \$10 to \$20.

HB 300

AN ACT relating to paternity and child support.

Amends KRS 205.710 to redefine the term "dependent child" to include a person under the age of 19 if that person is in high school; amends KRS 295.712 to expand the duties of the Division of Child Support Enforcement within the Cabinet for Human Resources to include the establishment and enforcement of an obligation upon receipt of a completed, notarized, voluntary acknowledgment of paternity form; amends KRS 205.769 to require the cabinet for Human Resources to refer for federal income tax

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refund offset and state income tax refund offset verified amounts which are owed for medical support when the medical support arrearage accrued is based on a medical support order for a specified dollar amount; amends KRS 213.046 to provide procedures for the hospital-based voluntary acknowledgment of paternity; amends KRS 403.160 to make technical correction; amends KRS 405.430 to allow under specified conditions the Cabinet for Human Resources to administratively establish a child support obligation based upon a voluntary acknowledgment of paternity; amends KRS 405.465 to require employers to notify the cabinet when an employee for whom a 4D wage withholding is in effect is to be terminated, and provide the absent parent's last known address and the name and address of the absent parent's new employer, if known; amends KRS 405.467 to add medical support, maintenance, and medical support insurance to the factors considered when wage withholdings may occur; requires the cabinet to combine any administrative or judicial wage withholding order or multiple administrative or judicial orders, for child support and medical support into a single wage withholding order when payable through the cabinet to a single family or to multiple family units; provides for allocation of amounts available for withholding when there is more than one notice for withholding against a single absent parent; provides that any custodial parent adversely affected by the proportional allocation of multiple withholdings has standing to challenge any proportionate allocations and authorizes, for good cause shown, a District Court, Circuit Court, or Family Court of competent jurisdiction to set aside the cabinet's proportional allocations as to the custodial parent; amends KRS 405.470 to allow the secretary for Human Resources to collect delinquent child support by issuing an order to withhold workers' compensation earnings; amends KRS 405.991 to conform; creates a new section of KRS Chapter 406 to provide for one year of rebuttable presumption of paternity upon completion of written voluntary acknowledgment of paternity by the mother and alleged father through the hospital-based paternity program; requires person in charge of hospital, or their representative, to immediately before or after the birth of a child, when the birth occurs at the hospital or en route thereto, provide information relating to paternity to a woman who is unmarried, rather than to a woman who was unmarried at the time of conception or birth; Requires that paternity determination in cases where alleged parent is a minor be conducted in judicial proceedings pursuant to KRS Chapter 406 rather than the administrative procedure for acknowledgment of paternity; Requires that hospital-based voluntary paternity establishment procedures include the provision of written materials and information concerning genetic paternity testing; requires that information provided to alleged fathers who are minors during the voluntary paternity establishment process be in accordance with Civil Rule 17.03 of the Kentucky Rules of Civil Procedure; Creates a new section of KRS Chapter 407 to provide for written communication with a tribunal from another state and allow for tribunals to share information by telephone or other means; Creates various new sections of KRS Chapter 407 to set forth the Uniform Interstate Family Support Act; Prohibits the provisions enacting the Uniform Interstate Family Support Act from becoming effective until the date the United States Congress requires the Act to be adopted by the States; repeals the Uniform Reciprocal Enforcement of Support Act.; Provides that repealers of the current Uniform Reciprocal Enforcement of Support Act become effective when the Uniform Interstate Family Support Act is required to be adopted.

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HB 302

AN ACT relating to the sale and transport of alcoholic beverages.

Creates a new section of Chapter 244 to make it a class D felony for an out-of-state seller of alcoholic beverages to sell and ship alcoholic beverages directly to a Kentucky consumer; creates a new section of Chapter 244 to make it unlawful for a wholesaler or distributor to purchase alcoholic beverages from anyone who is not a primary source of supply; amends KRS 243.150 and 243.280 to prohibit the direct sale of malt beverages between a brewer and a retail licensee; defines "primary source of supply"; declares that it is an unlawful activity for alcoholic beverages to be transported from a wholesaler's or distributor's warehouse within 24 hours of the time the alcoholic beverages are unloaded; designates violation of the provision prohibiting out-of-state retailers from shipping to persons in the Commonwealth who are not wholesalers or distributors to be for the first offense, a cease and desist letter and for subsequent offenses, a Class D felony.

HB 303

AN ACT relating to revenue and taxation.

Amends KRS 139.050 and 139.130 to provide a sales tax credit for property taken in trade when the property so traded is of likekind and character to the property purchased and the property traded is held for resale.

HB 304

AN ACT relating to toll roads.

Creates a new section of KRS Chapter 175 to authorize either the Kentucky Turnpike Authority or the Transportation Cabinet to issue identification cards to paying and non-paying users of toll facilities; allows non-paying accounts to be established for police, fire, and emergency vehicles, as well as for funeral processions; permits a \$5 fee to be charged for each card issued; amends KRS 175.520 to conform.

HB 305

AN ACT relating to teacher certification.

Creates a new section of KRS Chapter 161 to require by July 1, 1997, that the Education Professional Standards Board, with the advice of the State Board for Elementary and Secondary Education, promulgate administrative regulations to establish procedures for a teacher to maintain his certificate by successfully completing continuing education that may include university courses, an advanced degree, or a combination of university courses, field-based experience, individual research and approved professional development activities; amends KRS 161.010 to award Rank I to teachers who have met the requirements of Rank II and have current certification of the National Board for Professional Teaching Standards; and amends 157.390 to conform.

HB 306

AN ACT relating to fire safety in manufactured and mobile homes.

Creates a new section of KRS 227.550 to 227.660 to provide that every manufactured home and mobile home have a smoke detector on every floor level near the

bedroom areas, prohibits inspection solely for compliance with the provision, prohibits contrary local ordinances to subsections (4) and (5), and provides placement of signs stating detector requirement at entrances of mobile home parks and in county clerks' offices; provides penalty for violation; provides that restrictions prohibiting the enactment of an ordinance contrary to the Act by a local government not apply to any city which has or may adopt the Uniform Residential Landlord Tenant Act under KRS Chapter 383; and requires owners of manufactured or mobile homes located within a mobile home park in non-compliance with subsection (1) to be responsible for the correction of any violation.

HB 309

AN ACT relating to domestic violence.

Creates a new section of KRS Chapter 403.715 to 403.785, relating to domestic violence, to establish certification standards for mental health professionals providing court-mandated treatment services for domestic violence offenders; creates new sections of KRS Chapter 194 to require the Cabinet for Human Resources to develop and provide training courses for Department for Social Services staff, promulgate administrative regulations setting forth training requirements for staff of agencies providing protective shelter services for victims of domestic violence, and develop training courses in consultation with the applicable licensure board for mental health and certain health care providers; creates new sections of KRS 15.700 to 15.770 to require the Attorney General to provide domestic violence training for Commonwealth's and county attorneys and require the prosecutors and their staffs to successfully complete the training; requires the Attorney General, in consultation with others, to develop a prosecutor's manual for Commonwealth's and county attorneys establishing the policies and procedures for the prosecution of domestic violence related crime to be distributed to all prosecutors; defines issues to be included and timeframe for completion; creates new sections of KRS Chapter 403.715 to 403.785 to require the secretary, of the Justice Cabinet in consultation with others, to develop a written model law enforcement domestic violence policy and procedures manual to be distributed to all law enforcement agencies; defines issues to be included and timeframe for completion; requires every law enforcement agency, by January 1 after the effective date of the Act and annually thereafter, to prepare and submit a copy of the agency's domestic violence policy to the Justice Cabinet for approval; authorize the Justice Cabinet to reject the policy and provide assistance to the agency in revisions; requires the Justice Cabinet to develop training courses for law enforcement officers and require all law enforcement agencies to provide the training to their officers; amends KRS 403.785 to delete the provisions relating to law enforcement agency policies and training; amends KRS 21A.170 to include domestic violence information in the in-service training programs for judges and commissioners provided by the Supreme Court; and creates a new section of KRS Chapter 30A, relating to court personnel, to require the Administrative Office of the Courts, under the direction of the Supreme Court, to provide domestic violence training to clerks and deputy clerks and require successful completion.

HB 310

AN ACT relating to crimes and punishment.

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Amends KRS 508.025, relating to assault in the third degree, to include penalties for assaulting Department for Social Services staff while the worker is performing job related duties; requires that a person act recklessly, with a deadly weapon or dangerous instrument, or intentionally, before that person is guilty of assault in the third degree; creates a new section of KRS 508, relating to assault and related offenses, to enhance the penalty for third and subsequent convictions within a 5-year period of assault in the fourth degree in certain circumstances; amends KRS 525.070, relating to harassment, to change the penalty for striking, shoving, kicking, or other physical contact from a violation to a Class B misdemeanor; amends KRS 431.005, relating to warrantless arrest for domestic violence, to delete the requirement that a peace officer determine the person will continue to present a danger if not arrested; expands the definition for peace officer to permit additional types of officers to effectuate a warrantless arrest for domestic violence; provides that a deputy sheriff meeting the training requirements specified in KRS 70.263(3) providing security services to the court is exempt from training requirement of KRS 431.005; creates a new section of KRS 431, relating to crimes and punishments, to permit courts to set conditions of release for persons arrested for certain offenses or charged with violation of domestic violence protective orders; provides that the victim or a victim's designee is entitled to a free certified copy of the defendant's conditions of release; and makes violation of an order for conditional release a Class A misdemeanor.

HB 312

AN ACT relating to U-Drive-It usage tax.

Amends KRS 138.463 to establish that issuance of a motor carrier permit, as provided for in KRS 281.615 requires that the permit holder is regularly engaged in renting or leasing; creates a rebuttable presumption fair market rental or lease value to be the permit holder's posted charge as required by Transportation Cabinet administrative regulation; provides that the fair market rental or lease value be based on standards established by administrative regulation promulgated by the cabinet.

HB 315

AN ACT relating to victim advocates.

Amends KRS 15.760, relating to victim advocates employed by a Commonwealth's attorney, to require professional experience working with adults or children; provides that a victim advocate may have two years of court-related service prior to appointment or two years of social work experience; requires the employer to ensure the advocate receives training; creates a new section of KRS Chapter 69, relating to county attorneys, to permit county attorneys to employ victim advocates who meet certain criteria and describe their duties; amends KRS 506, relating to the "counselor-client" privilege, to extend the privilege to victim advocates except those victim advocates employed by Commonwealth's or county attorney; creates new sections of KRS Chapter 421, relating to witnesses, to define "victim advocate," require training, and prohibit advocate from practicing law; permits an advocate, upon the request of the victim, to accompany the victim during court proceedings to provide moral support,

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confer orally and in writing; and prohibits the advocate from providing legal advice or legal counsel to the crime victim.

HB 319

AN ACT relating to tax administration.

Amends KRS 131.130 to require the Revenue Cabinet to publish a manual of forms, and to incorporate the manual by reference as an administrative regulation.

HB 321

AN ACT relating to revenue and taxation.

Amends KRS 134.380 to define "overpayment" and "payment where no tax was due" and to clarify that the due date for taxes is to be determined without regard to an extension of time for filing; amends KRS 141.220 to clarify extensions for corporations and to clarify that in the case of extensions, interest shall be paid from the date shown due on the return; amends KRS 141.220 to clarify that the payment of tax is due at the time fixed for filing returns without regard to extensions; amends KRS 139.770, 141.235, and 143A.140 to delete the statute of limitations for filing claims for refund or credit since the general statute of limitations in KRS Chapter 131 is applicable to all claims administered by the Revenue Cabinet; amend KRS 131.500 and 134.420 to provide that a tax lien remains in force for ten years from the date the lien is filed; amends KRS 139.470, to state that the industrial supplies exemption applies to an individual or entity that performs only part of the industrial processing or manufacturing process, and that the individual or entity need not take title to the property; amends KRS 134.590 to conform.

HB 322

AN ACT relating to revenue and taxation.

Amends 141.300 to increase from \$200 to \$500 the amount of income tax liability when a declaration of estimated tax is required; amends KRS 138.655 to define motor carrier as having two axles or more and a declared gross weight of greater than 26,000 lbs.; repeals KRS 138.6601; amends KRS 138.660 and 138.690 to conform.

HB 323

AN ACT relating to litigation.

Creates a new section of KRS Chapter 454 applying only to inmates which allows a court to dismiss frivolous civil actions, or actions where the affidavit of poverty is misleading or false, and directs the court to notify the county attorney when those actions are dismissed; creates a new section of KRS Chapter 454 to require inmates to pay at least partial filing fees and court costs; creates a new section of KRS 454 to require a court to provide copies of certain court orders to correction's officials; amends KRS 197.045 to provide for the revocation of inmate credit time when the inmate files a civil action which is dismissed for maliciousness, lack of merit, or frivolity; amends KRS 453.190 to clarify the status of inmates who request to proceed through the courts in forma pauperis in a civil action; creates a new section of KRS Chapter 454 to allow a court to require an inmate to exhaust administrative remedies before proceeding with a civil action.

HB 327

AN ACT relating to teacher certification.

Amends KRS 161.027 to give school principals with out-of-state certification a certificate valid for 1 year; allows principals 5 years of eligibility, rather than 4, to complete the internship; amends KRS 161.028 to clarify the administrative responsibilities of the Education Professional Standards Board; provides the board authority to charge reasonable fees for the issuance, reissuance and renewal of certificates; requires the board to develop and submit to the Governor and the Legislative Research Commission by June, 1997, plans for the operation of the board after July, 1998, including separation of administrative attachment to the Department of Education; amends KRS 161.030 to require the successful completion of appropriate assessments for persons applying for renewal of expired certificates who have not completed 2 years of successful teaching experience within the last 10 years; allows the principal member of the teacher internship committee in nonpublic schools without a principal to be a person with other appropriate qualifications as specified by administrative regulations; allows teachers 5 years, rather than 4 years, to complete their internship; allows teachers who let their internship eligibility expire to complete a minimum of 6 hours graduate work toward their graduate program as renewal of their internship eligibility; amends KRS 161.048 to expand alternative certification programs to all areas except specific certificates for teachers of exceptional children; allows persons with exceptional life experience to pursue an alternative certification program with a grade point average of 2 on a 4 point scale upon approval by the Education Professional Standards Board; allows an applicant for principal certification to have a 1 year exemption from the requirement to complete the assessments required for certification if a district superintendent certifies to the Education Professional Standards Board that there is a limited number of applicants to meet the requirements of the school council selecting a principal; amends KRS 161.120 to allow the board to consider information related to the revocation of certificates from sources other than a school district superintendent; conforms hearing procedures with KRS Chapter 13B; specifies that an appeal to any final order of the board shall be filed in Franklin Circuit Court; amends various sections to conform.

HB 331

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 431 to permit use of home incarceration as a form of pretrial release; amends of KRS 532.200, relating to home incarceration, to delete Department of Corrections approval of monitoring devices and to permit face and voice identification of home incarcerated; amends KRS 439.179, relating to payment by persons released from jail for work release, to set a minimum payment of \$12 per day, to be paid to jailer by releasee, while retaining maximum payment of \$40 per day.

HB 333

AN ACT relating to motor vehicle titles.

Amends KRS 186A.510 to include within the definition of "brand" branded designations previously affixed to a motor vehicle's title; creates a new section of KRS

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Chapter 186A to require an applicant titling a vehicle in Kentucky for the first time to notify the Department of Vehicle Regulation of the existence of any brand previously affixed to the title; provides that if a motor vehicle had a brand previously attached to its title or has a salvage title, the applicant may notify the Transportation Cabinet of the brand or salvage title; provides that the notification must include title number and the jurisdiction where the previous brand was issued.

HB 335

AN ACT relating to agricultural and silvicultural land use.

Amends KRS 413.072 to protect agricultural land and silvicultural land by limiting nuisance legal actions and local ordinances against them; prohibits an agricultural or silvicultural operation from being a nuisance, trespass, or violation of a local ordinance restricting normal agricultural or silvicultural operations because of changed conditions in the locality of the operation after the operation has been in existence for more than one year if the operation was not a nuisance, trespass, or in violation of a local ordinance before the operation began; exempts a negligent operation from protection; defines "agricultural operation," "agricultural practices," and "silvicultural operation;" declares a local ordinance in conflict with this protection to be void; retains a protected status unless the operation is substantially changed.

HB 337

AN ACT relating to survivors of persons killed in the line of duty.

Amends KRS 61.315 to include corrections employees with the powers of peace officers in the list of persons whose death in the line of duty would yield a death benefit payment to the survivors of the person killed in the line of duty; and requires the Department of Corrections to promulgate administrative regulations to define which employees qualify for the benefit and what shall be considered "death in the line of duty".

HB 339

AN ACT relating to retirement benefits in cities of the third class.

Amends KRS 95.560 and 95.624 to permit a police and firefighter retirement board in a city of the third class to provide health insurance for retirees and their dependents who have not reached the age to qualify for federal Medicare, so long as providing insurance will not jeopardize the capacity of the board to pay retirement benefits; and prohibits the board from providing insurance for persons entitled to receive or are receiving Medicare benefits.

HB 341

AN ACT relating to county police merit boards.

Amends KRS 78.415 to require the board to meet at least every two calendar months.

HB 346

AN ACT relating to crimes and punishments.

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Creates a new section of KRS Chapter 441 to permit jailers to give sentence credit on time served for work for the jail or an community service program; provides that sentencing judge may preclude a prisoner from work program; provides for revocation of earned credits for misconduct by prisoner.

HB 349

AN ACT relating to water for fire protection.

Amends KRS 278.170 to allow a water utility to grant free or reduced rate service for fighting fires or training fire fighters, with the approval of the Public Service Commission; requires regular reports to the utility of water usage for firefighting or training; amends KRS 278.035 to conform.

HB 351

AN ACT relating to wildlife.

Amends KRS 150.092 to prohibit a person from taking wildlife on the land of another person without obtaining the oral or written permission of the landowner, tenant, or the person who has authority to grant this permission; requires a conservation officer to arrest or issue a citation to any person who is on the property of another person without the permission of the appropriate person; includes "other wildlife-related recreational purposes" in the prohibition; authorizes the Department of Fish and Wildlife Resources to develop, by administrative regulation, landowner programs which will protect private property and improve relations between landowners and sportsmen; penalty.

HB 357

AN ACT relating to condemnation for public utilities.

Creates a new section of KRS Chapter 416 to allow a public agency with the right of eminent domain to acquire real property for necessary public utility facilities, along with the real property needed for a highway or other public improvement project; requires an agreement between the public agency and the utility prior to any acquisitions, which agreement specifies the real property to be acquired and all relevant terms; requires the public agency to convey the property so acquired to the utility under the terms of the agreement; specifies that these provisions do not affect a public utility's power of eminent domain, nor do they empower condemnation of state property; defines "real property" to include easements or other rights or interests in real property.

HB 358

AN ACT relating to advanced registered nurse practitioners.

Amends KRS 314.011, relating to the practice of nursing, to authorize advanced registered nurse practitioners to prescribe legend drugs as defined in KRS 217.905, under the conditions set forth in KRS 314.042; allows advanced registered nurse practitioners to prescribe only non-scheduled legend drugs; amends KRS 314.073 to require that continuing education requirements for advanced registered nurse practitioners include five contact hours in pharmacology; amends KRS 314.042 to require advanced registered nurse practitioners to enter into a written collaborative practice agreement with a physician prior to prescribing drugs; creates a new section of KRS Chapter 314 to

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provide that an advanced registered nurse practitioner be considered a practitioner for purposes of KRS Chapter 217, subject to conditions set forth in KRS 314.042; amends KRS 217.015, relating to food and drugs, to include advanced registered nurse practitioners in the definition of practitioner.

HB 359

AN ACT relating to county boundaries and declaring an emergency.

Creates non-codified language which establishes the county boundaries between Grant, Pendleton and Kenton Counties.

HB 363

AN ACT relating to nursing.

Amends KRS 314.025, relating to the Kentucky nursing incentive scholarship fund, to revise the purpose of the fund; amends KRS 314.026 to revise the membership requirement of the nursing incentive scholarship fund committee; deletes requirement for contract to include the sponsoring health facility; deletes provisions establishing a preference for applicants who meet certain criteria; deletes the provision establishing the limits of the scholarship and instead place responsibility with the committee to determine the number and amount of awards granted; requires recipients to practice as a nurse in this state for at least one (1) year for each academic year funded by scholarship; amends KRS 314.027 to delete the requirement for a sponsoring health facility or education institution to match the funds awarded to an applicant; deletes the requirement for recipients to practice as a nurse in the sponsoring health facility upon completion of the nursing program; amends KRS 314.091, relating to the Board of Nursing, to specify the board is authorized to take action when a person within its jurisdiction willfully or repeatedly violates any lawful order or directive previously entered by the board, or any administrative regulation promulgated by the board; amends KRS 314.121 to increase the number of members on the Board of Nursing from thirteen (13) to fifteen (15) and make provisions for appointments and terms; deletes the requirement for establishment of and appointment by the Governor to an advisory council to the board; amends KRS 314.131 to require the board to elect a president-elect instead of a vice-president; deletes requirement for election to occur in June of each year; amends KRS 314.193, relating to the Advanced Registered Nurse Practice Council, to decrease the number of members from eleven (11) to nine (9) and revise requirements for membership of the committee; creates a new section of KRS Chapter 314 to permit the board to establish an impaired nurses committee; allows the board to contract with another entity to create, support, and maintain the committee; permits the board to promulgate administrative regulations to implement the committee; requires the board to collect an assessment of five dollars (\$5) to be added to each nurse licensure renewal application fee and expended on the operation of the committee; specifies that the members and others associated with the committee are not liable for claims or damages resulting from action taken by the committee; requires all information to and from the committee and its findings to be privileged and confidential; declares all records and proceedings of the committee are privileged and confidential, to be used by the committee only its proper function, not considered public records, and are not subject to court subpoena, discovery, or

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introduction as evidence in any civil, criminal, or administrative proceedings except as provided in this Act; and permits disclosure of information relative to an impaired nurse only if it is essential to address the treatment needs of the nurse, is authorized in writing by the nurse, or the committee is required to make a report to the board.

HB 372

AN ACT relating to the privatization of jails and declaring an emergency.

Amends 67B.020 to modify definition of "correctional facility" to include private facilities operated under contract with the fiscal court; and amends 67B.050 to include among the powers of a metropolitan correctional services department the power to make contracts with private agencies for the operation of correctional facilities; EMERGENCY.

HB 374

AN ACT relating to emergency medical technicians.

Amends KRS 211.964 to permit current emergency medical technicians to recertify using National Registry for Emergency Medical Technicians standards; require emergency medical technicians certified more than 1 year after effective date of act to certify and recertify using National Registry of Emergency Medical Technicians standards; permits paramedic to recertify as emergency medical technician without further examination or fees.

HB 375

AN ACT relating to the Kentucky River Authority.

Creates a new section of KRS Chapter 151 and amends various sections of KRS Chapter 151 to require the Revenue Cabinet to annually set a rate for water use fees charged to facilities using water in the Kentucky River basin based upon the budget for the Kentucky River Authority as authorized by the General Assembly; authorizes the Kentucky River Authority to use money collected from the water use fee for employing persons to carry out the authority's responsibilities; allows the authority to use interest earned on its investments; sets forth the watershed management mission of the authority; exempts from the sales and use tax a water use fee passed through to the authority by a facility using water from the basin, as well as paid to the authority; requires revenue bonds issued by the Kentucky River Authority to be subject to the jurisdiction and approval of the State Property and Buildings Commission and the Capital Projects and Bond Oversight Committee.

HB 376

AN ACT relating to minors and other persons under disability.

Amends KRS 387.280 to permit a person having custody of a minor or person under disability to settle or compromise certain controversies on behalf of that minor or person under disability.

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HB 377

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.

The Judicial Branch Budget; appropriates from the General Fund \$127,145,400 in fiscal year 1996-97 and \$135,741,300 in fiscal year 1997-98; restricted funds are set at \$2,034,700 in fiscal year 1996-97 and \$2,040,800 in fiscal year 1997-98, and federal funds of \$77,200 in fiscal year 1996-97 and \$78,600 in fiscal year 1997-98; approves authorization for construction in Hardin, Fayette, Jefferson, and Warren Counties if these facilities are occupied during the 1996-98 biennium; use of allowance payments is deemed a necessary governmental expense; provides a multi-year use allowance schedule.

HB 378

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

The Legislative Biennial Branch Budget: appropriates from the general fund \$29,653,500 for fiscal year 1996-97 and \$36,543,000 for fiscal year 1997-98; restricted funds are set at \$240,000 for fiscal year 1996-97 and \$190,000 for fiscal year 1997-98, and federal funds of \$100 each fiscal year; provides from the General Fund \$45,000 in fiscal year 1996-97 and \$191,600 in fiscal year 1997-98 for annual cost-of-living adjustment for per diem compensation and interim monthly expenses effective January 1, 1997.

HB 379

AN ACT relating to appropriations providing financing for the operations, 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, \$126,904,000 for fiscal year 1995-97; \$13,496,179,600 for fiscal year 1996-97; and \$13,199,634,800 for fiscal year 1997-98; concur 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. Agriculture - reauthorizes Testing Unit Systems project with additional \$12,500 Restricted Funds in FY 1997.
2. Local Government - provides Matching Grant for Livingston School Community Revitalization Project.
3. Economic Development/Financial Incentives - provides \$200,000 each year maintenance pool project grant to the Louisville Waterfront Development Corporation.

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4. Education/SEEK - reallocates surplus SEEK appropriations: 40% of excess for preschool education and 60% to school districts with full day programs for entry level students.
5. Commission on the Deaf and Hard of Hearing - restores current operating funds, provide stipends for teachers, and provide an assistant to the Commission to facilitate implementation of strategic plans developed by Task Force.
6. University of Kentucky Community College System - provides \$50,000 each year for Maysville Community College Licking Valley Extended Campus Center in Cynthiana.
7. Human Resources/Health Services - directs the public health departments to continue clinical services to indigent persons in specified service areas.
8. Medicaid Services/Disproportionate Share Hospital Payments - directs commissioner to determine amount of reimbursement for documented indigent care at a rate no lower than Medicaid rate, and give consideration to hospitals with less than 100 beds, rural hospitals, and those in underserved areas.
9. Human Resources/Social Services - provides \$400,000 grant to Louisville Home for the Innocents.
10. State Police Salaries - provides \$3,900,000 for salary supplements to eligible sworn officers.
11. Petroleum Storage Tank Assurance Fund Commission - transfers \$1,900,000 each year to the General Fund.
12. Kentucky River Authority - prohibits any expenditure of funds for the Kentucky River Authority Advisory Board.
13. Kentucky River Authority - authorizes environmental study (for water supply purposes) of proposed Station Camp Creek, with cost sharing by the Jackson County Empowerment Zone Board.
14. Public Advocacy - restores seven attorney positions and related expenses.
15. Property Valuation Administrators - provides salary increase contingent upon passage of enabling legislation.
16. Tourism Development/Secretary's Office - provides \$50,000 grant in FY 1998 for International Folk Dance Festival in Mt. Sterling.
17. Parks - adds Dale Hollow Lodge Completion Project to General Fund Capital Construction and Technology Trust Fund Plan as priority # 27.
18. Transportation - amends biennial highway construction plan impacting projects numbers 08.244.05, 08.244.06, and 08.143.00; name Ky. 461 in Rockcastle and Pulaski Counties as "David M. Smith Memorial Highway"; name South-East Bypass around Somerset the "Veterans' Memorial Highway".
19. General Provisions - provides a state tangible personal property tax rate of \$.015 per \$100 assessed value on non-commercial aircraft, effective when the Economic Development Secretary certifies a written commitment for investment of at least \$20 million in relocating a corporate headquarters in Kentucky and retains at least 250 existing jobs and creates at least 600 added jobs.

HB 381

AN ACT relating to funeral processions.

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Creates a new section of KRS Chapter 189 defining "funeral procession" and giving them right-of-way at intersections; prohibits interference with processions.

HB 383

AN ACT relating to commercial feed.

Amends various sections of KRS 250.491 to 250.631 to change and update the Kentucky Commercial Feed Law; allows the director of the Kentucky Agricultural Experiment Station to exempt the manufacturer or distributor of a commercial feed from the requirement for registration; requires a commercial feed label to include a quantity statement of net content; for commercial feed, and materials exempted from the definition of commercial feed, adds to the materials or conditions that can cause the feed to be deemed adulterated: filthy or decomposed substances, preparation under unsanitary conditions, production from a diseased animal, or poisonous or irradiated substances; requires an informal hearing for violations of the provisions of KRS 250.491 to 250.631; allows the director to carry out various sanctions or institute a formal administrative hearing.

HB 389

AN ACT relating to dual license acute care beds.

Amends KRS 216B.020, relating to exemptions from certificate of need requirements, to permit conversion of dual license acute care beds to nursing facility beds by December 31, 1996, without a certificate of need; permits dual license acute care beds with a licensure application filed and in process prior to February 10, 1996, to be converted to nursing facility beds without applying for certificate of need; provides that beds not converted to Nursing Facility beds by December 31, 1996 will be converted to acute care beds; amends KRS 216B.040 to provide that the long-term care bed need criteria in the state health plan or in the appropriate certificate of need authority shall give preference to conversion of personal care beds and acute care beds to nursing facility beds if the state health plan or appropriate certificate of need authority establishes a need in the affected counties and the conversions are more cost effective than new construction; amends KRS 216.380 to conform; repeals KRS 216B.107 relating to dual license of acute care beds.

HB 394

AN ACT relating to campaign finance.

Amends KRS 121.120 to prohibit the Registry of Election Finance from requiring the listing of a person's Social Security number on forms developed by the registry; amends KRS 121.180 to increase from \$250 to \$1,000 the amount of campaign contributions which may be received or spent by a candidate in an election for which the candidate may request an exemption from filing all campaign finance reports, to require that a request for exemption from filing any campaign finance reports for the regular election be filed or rescinded not later than 25 instead of 10 days after the date of the primary or runoff primary, and to provide that a candidate may indicate on any request for exemption from filing that the exemption is to apply to more than one election; and makes provisions of the Act effective January 1, 1997.

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HB 395

AN ACT relating to watershed conservancy districts.

Allows the board of directors of a watershed conservancy district to receive a per diem for attending meetings.

HB 397

AN ACT relating to the health care provider tax on physicians' services.

Creates a new section of KRS Chapter 142 to phase out the provider tax on physicians by June 30, 1999 and beginning August 1, 1996; amends KRS 142.307, 142.301, 142.313, 142.317, 142.321, 142.323, 142.327, 142.347, 142.351, and 142.357 to conform; provides that the provisions of the Act will be effective August 1, 1996.

HB 399

AN ACT relating to carcasses.

Amends KRS 257.160 to expand the ways in which the carcass of dead domestic livestock, poultry, and fish may be disposed of to include incineration, boiling, burial, removal by a rendering company, deposition in a contained landfill or in a composting facility approved by the Natural Resources and Environmental Protection Cabinet, or any other scientifically proven method of disposal approved by the State Board of Agriculture; authorizes the state board to promulgate administrative regulations; allows any combination of methods allowed in the Act to be used for disposal of carcasses.

HB 400

AN ACT relating to motor vehicle operators under twenty-one (21) years of age.

Creates a new section of KRS Chapter 186, relating to being licensed to operate a motor vehicle, to state the General Assembly's goal of increasing traffic safety by controlling young drivers' exposure to difficult driving situations; amends KRS 186.450, relating to issuing an instruction permit, to require a person to have an instruction permit a minimum of 180 days before being eligible to apply for a driver's license; requires a person with an instruction permit to be accompanied by another licensed driver at least 21 years old when driving a motor vehicle; prohibits a person under the age of 18 with an instruction permit from driving between the hours of midnight and 6 a.m. unless that person can demonstrate good cause, including driving due to an emergency or school or work related activity; allows the Transportation Cabinet to suspend the driving privilege or operator's license of a person under the age of 18 who accumulates more than six points; amends KRS 186.410, relating to issuing a driver's license, to require new drivers between the age of 16 and 18 to enroll in a driver's education course before they may be issued a driver's license; provides that the person may enroll in a driver's education course offered by a local school district, a private driver training school licensed pursuant to KRS Chapter 332, or state traffic school; requires any driver who has not completed one of these courses within 1 year of being issued a driver's license to be automatically enrolled in state traffic school and have his license suspended until completion of state traffic school; provides that a person attending the driver education course through state traffic school shall not be charged the normal \$15 fee but shall attend free of charge;

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amends KRS 186.440, relating to persons who may not be licensed, to clarify the notification process for persons under the age of 18 who are academically deficient and ineligible to drive; amends KRS 186.574, relating to state traffic school, to establish by statute rather than court rule, who is eligible to attend state traffic school; amends KRS 186.018, relating to driving history records, to impose a \$3 fee to purchase a driving history record, ten cents of which is to be used to fund the driver education course through state traffic school; amends KRS 189A.010, relating to driving under the influence of alcohol, to establish a blood alcohol content limit of 0.02 for persons under the age of 21 to comply with a federal mandate; establishes penalties for persons under the age of 21 with an alcohol content of 0.02 to 0.099 that are separate from the DUI penalties for adults; provides that if a person under the age of 21 has an alcohol content of 0.10 that person is subject to the same DUI penalties as an adult; amends KRS 189A.120, relating to driving under the influence of alcohol, to prohibit the reduction in a charge against a person under the age of 21 who has a blood alcohol content of 0.02 or greater to comply with a federal mandate; amends KRS 186.990 to make the penalty a violation for persons under the age of 18 who violate the nighttime curfew or fail to have a licensed driver who is 21 or older in the car; amends KRS 186.412, 186.430, 186.470, 186.560, 189A.070, 189A.200, 189A.240, and 24A.175 to conform; repeals KRS 189A.230, relating to judicial review of pretrial license suspension for persons under the age of 21 to comply with a Kentucky Supreme Court ruling; EFFECTIVE October 1, 1996.

HB 404

AN ACT relating to motor vehicles.

Amends various sections of KRS Chapter 190 provide for increased general liability coverage for automotive recycling dealers; establishes procedures for protesting cancellations of franchise agreements between manufacturers and new motor vehicle dealers; provides for hearings before the Transportation Cabinet in accordance with KRS Chapter 138.; amends KRS 190.057 to address hearings on petitions filed under KRS 190; makes conforming amendments; applies relocation requirements of KRS 190.047 to manufacturers, distributors, factory brands or factory representatives when they seek to relocate existing new motor vehicle dealership facilities; amends the definition of "new motor vehicle dealership facility" to require the business to be used for selling, buying, displaying, repairing, and servicing motor vehicles; defines cause for creating a satellite dealership under an existing franchise.

HB 406

AN ACT relating to sexual offenses.

Amends KRS 439.510 to allow information obtained by probation and parole officers in the discharge of their duties to be available to governmental sex offender treatment programs; amends KRS 510.010 to include in the definition of forcible compulsion the fear of any offense under Chapter 510; amends KRS 532.045 relating to probation to include 1st degree sexual abuse under certain circumstances among nonprobable offenses and to require the sex offenders pay for the costs of their

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evaluation and treatment; amends KRS 532.050 to require sex offenders pay for the costs of their evaluation and treatment.

HB 407

AN ACT relating to teachers' retirement.

Amends KRS 161.568, relating to Kentucky Teachers' Retirement System (KTRS), to permit employees of certain public universities who are members of the KTRS and terminate employment, then are rehired at the same or another university, to elect to participate in an optional retirement plan when the date of rehire is six months after the date of termination; amends KRS 161.567 to provide that the terms of the member's optional plan contract provisions dictate their benefits; amend KRS 161.569 to specify that the employer contribution is equal to that for other employers in KTRS and that an amount equal to the amount prorated for the KTRS unfunded liability is paid to KTRS and the balance is paid to the optional plan provider; clarify that the employee contribution is the same as other members participating in KTRS.

HB 408

AN ACT relating to foster care review boards.

Amends KRS 620.020, 620.070, and 620.190 to 620.340, relating to the Juvenile Code, to change the name of "citizen review boards" to "foster care review boards"; expands the type of cases reviewed by the local boards to include children in the temporary custody of the Cabinet for Human Resources in addition to committed children; clarifies membership of local boards; requires, to the extent practicable, that a foster parent be included on each Foster Care Review Board; requires members to be trained and certified prior to appointment; permits removal of local board members for failure to meet training requirements as determined by the state foster care review board; requires state board to provide training; requires copies of certain court orders to be sent to the Administrative Office of the Courts Foster Care Review Board Program instead of the local board chairman; requires the cabinet to file a case permanency plan with the court for children who are placed in the temporary custody of the cabinet in addition to committed children; requires the case plan and progress reports for committed children to be sent to the Administrative Office of the Courts Foster Care Review Board Program; requires the case plan and progress reports for children in temporary custody to be available to AOC upon request; and requires the plan to include information regarding the number of children in a foster home and require the local board to submit a report to the court within fourteen (14) days of the review.

HB 410

AN ACT relating to retail sales contracts.

Amends KRS 371.260 to increase the maximum fees for prepayment of retail installment contracts; amends KRS 371.270 to increase delinquency and collection charges; amends KRS 371.300 to define entrance into a retail sales contract and permit delinquency and collection charges.

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HB 411

An Act relating to the working hours of police officers in cities of the second class and urban-county governments.

Amends KRS 95.495 to permit an alternative scheduling method for police officers in shifts of 10 hours per day for 4 days per week.

HB 412

AN ACT relating to the quality of motor fuels.

Amends KRS 363.908 to allow the Department of Agriculture to cite a person who violates any provision of KRS 363.900 to 363.906 for a violation and provides that any person who violates any provisions of KRS 363.900 to 363.906 relating to motor fuels inspection and testing, or any related regulation, be required to pay a civil penalty.

HB 413

AN ACT relating to legislative publications.

Creates and amends sections in KRS Chapter 7 to make LRC's electronic statutory database the official version of the Kentucky Revised Statutes and provides for designation of certified versions that have text identical to the official version; provides for public access to the Kentucky Constitution, statutes, Acts, and administrative regulations in an electronic format over the largest nonproprietary, nonprofit cooperative public computer network; amends KRS 446.145 to conform; repeals KRS 7.125; makes various provisions EFFECTIVE JANUARY 1, 1997, or SEPTEMBER 1, 1996.

HB 416

AN ACT relating to revenue and taxation.

Creates a new section of KRS Chapter 136 to provide for the popular title of the bill; creates a new section of KRS Chapter 136 to define terms; creates a new section of KRS Chapter 136 to impose a franchise tax on every financial institution regularly engaged in business in this state during the taxable year or portion of the taxable year; provides that the tax shall be in lieu of all local taxes except the real estate transfer tax, real property and tangible personal property tax, utility taxes, and the local franchise tax; provides that financial institutions shall be subject to all state taxes in effect on the effective date, except the corporation income tax and the corporation franchise tax; creates a new section of KRS Chapter 136 to set the franchise tax rate at 1.1% of net capital; provides that every financial institution regularly engaged in business in this state during the taxable year shall pay a minimum tax of \$300; creates a new section of KRS Chapter 136 to provide that net capital is to be determined by adding the value for the taxable year and the preceding four calendar years and dividing by five; provides that the value of net capital shall be determined by the book values as reported in the quarterly reports of condition; creates a new section of KRS Chapter 136 to provide that a financial institution is regularly engaged in business in this state in a taxable year if it obtains or solicits business with 20 or more persons or if receipts attributable to this state exceed \$100,000; creates a new section of KRS Chapter 136 to provide how net capital is to be apportioned; provides that the apportionment percentage is determined by adding together the receipts factor, payroll factor, and property factor and dividing by three;

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creates a new section of KRS Chapter 136 to provide for the receipts factor, the numerator of which is receipts attributable to this state and the denominator of which is total receipts; creates a new section of KRS Chapter 136 to provide for the property factor, the numerator of which is property in this state and the denominator of which is all property; creates a new section of KRS Chapter 136 to provide for the payroll factor, the numerator of which is compensation paid in this state and the denominator of which is total compensation; creates a new section of KRS Chapter 136 to provide for the filing of returns for the bank franchise tax; provides that the cabinet shall grant an automatic 90-day extension upon the request of the financial institution; creates a new section of KRS Chapter 136 to provide for the processing of returns by the cabinet; creates a new section of KRS Chapter 136 to provide for refunds or credits of overpayments of tax; creates a new section of KRS Chapter 136 to require financial institutions to keep records for six years; creates a new section of KRS Chapter 136 to hold corporate officers liable for the taxes imposed in the event the financial institution is unable to make payment; creates a new section of KRS Chapter 136 to provide penalties; creates a new section of KRS Chapter 136 to allow counties, cities, and urban-county governments to levy a local franchise tax on financial institutions, as measured by the deposits in the jurisdiction; provides that the rate shall not exceed 0.025% of the deposits if imposed by counties and cities at a rate not to exceed 0.050% of the deposits if imposed by urban-county governments; amends 132.285, 134.290, and 132.590 to provide that the appropriation and payment to the office of property valuation administrator (PVA) by cities using the county assessment for ad valorem taxes, the commission paid to the sheriff by the Revenue Cabinet and the county for collection of property taxes, and the compensation paid to the PVA by the state and the appropriation and payment to the office of the PVA by the county for use of the assessment shall be for 1996 and subsequent years at least equal, respectively, to the payment, commission, or salary paid to the PVA or sheriff for 1995; amends KRS 132.020 to levy a tax at the rate of 0.001% on the money in hand, stock, notes, bonds, accounts, credits, or other intangible assets of a financial institution; amends KRS 132.030 to change the assessment date for the state deposits tax from September 1 to January 1; changes the payment date for the state deposits tax from November 1 to March 1; amends KRS 132.040 to change the date on which financial institutions must report their deposits from September 21 to January 21; changes the payment date for the state deposits tax from November 1 to March 1; amends KRS 132.220 to change the assessment date for the state deposits tax for financial institutions and unmanufactured tobacco from September 1 to January 1; amends KRS 287.030 to permit a bank incorporated under the laws of another state or national bank having its principal place of business outside of this state to transact banking business in this state as permitted following a merger transaction within the meaning of the Federal Deposit Insurance Act approved after June 1, 1997; amends KRS 287.670 to provide that the provisions of the section are inapplicable in determining whether a financial institution is regularly engaged in business in this state; amends KRS 287.680 to provide that financial institutions will be subject to tax in this state if they meet the nexus requirements; amends KRS 65.910, 132.190, 132.200, 134.380, 136.010, 136.030, 136.070, 141.040, 154.20-310, 154.20-360, and 287.915 to conform; repeals KRS 136.270, 136.275, and 136.280, concerning bank taxes and annual reports.

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HB 427

AN ACT relating to traffic regulations.

Creates a new section of KRS Chapter 189 to permit 102" vehicles to operate in counties that do not have at least 10 miles of existing highway designated by the Transportation Cabinet for access by these vehicles; permits a 102" vehicle to operate in designated counties until an existing road is upgraded or a new road is constructed that will accommodate a 102" vehicle; prohibits a 102" vehicle from exceeding statutory bridge weight and length provisions; permits a 102" motor vehicle or combination motor vehicle transporting agricultural commodities from a farm or transporting materials needed in the production of agricultural commodities to a farm to operate on any public road in Kentucky; requires the Transportation Cabinet to promulgate safety criteria for 102" vehicles by administrative regulation.

HB 428

AN ACT relating to plant pests.

Amends and creates various sections of KRS Chapter 249 to require the state entomologist's deputy to have a minimum of a Master of Science degree in entomology and nursery inspectors to have a Bachelors degree in plant sciences; requires the state entomologist to publish annually a list of the certified nurserypersons and nursery dealers licensed to do business in the state; grants free access to the state entomologist to any place where it may be necessary for him to go in the performance of his duties; requires a nurseryperson and a nursery dealer to maintain records of plant acquisitions and sales for one (1) year; authorizes the state entomologist to issue a permit for shipment into or within the state of injurious plant pests for research or diagnostic purposes; establishes a revised set of license fees for resident nurseries or dealers; for Class A nurseries, charges an annual fee of \$40, plus \$1.50 per acre; for Class B nurseries, charges an annual fee of \$40; for Class A dealers charges an annual fee of \$40; and for a Class B dealer, a business whose primary business is not the sale of nursery stock, charges an annual fee of \$25; allows the state entomologist to inspect nursery stock, if the nursery stock appears not to be infected or infested, requires the state entomologist to issue a certificate of inspection; prohibits sale or removal of nursery stock affected with plant pests, before treatment until the stock has been officially inspected and a certificate covering it has been issued by the state entomologist; requires every nursery dealer to make annual application to the state entomologist for a nursery dealer's license; requires the nursery dealer to provide to the state entomologist the source of nursery stock offered for sale, and requires this stock to originate from a licensed or certified nursery; requires the stock to be accompanied by a valid certificate of inspection of a Federal or state inspector; prohibits a person from making a false declaration of acreage or concealing any nursery stock from inspection; allows all shipments of nursery stock entering the state, as well as intrastate shipments to be inspected.

HB 430

AN ACT relating to souvenir retail liquor sales.

Amends KRS 243.010 to define "souvenir package"; creates a new section of KRS Chapter 243 to allow a distillery to sell a souvenir liquor package at a gift shop or

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other retail outlet on its premises; makes souvenir liquor package available for sale by other licensed retailers; amends KRS 243.030 to set a fee of \$500 for a license to sell these packages; amends KRS 243.070 and 243.110 to conform.

HB 433

AN ACT relating to the promotion of agricultural products.

Amends KRS 260.015 to allow a majority of the persons licensed to use the Kentucky agricultural products logo or labeling statement to decide to assess a fee of one tenth of one percent on the wholesale or the retail value of all products marketed with the logo or the labeling statement; requires the proceeds from the fee to be used by the Department of Agriculture to promote the logo and labeling statement program; deletes the authority of the department to provide assistance to those persons desiring to use the logo or labeling statement but who do not qualify for the program because their product does not contain enough materials produced in Kentucky.

HB 435

AN ACT relating to grandparents.

Amends KRS 405.021 to permit a grandparent to keep visitation rights after the termination of parental rights belonging to the grandparent's son or daughter, who is the father or mother of the child visited by the grandparent, unless a Circuit Court determines that it is in the best interest of the child to end the grandparent's visitation rights.

HB 439

AN ACT relating to motor vehicle insurance.

Amends KRS 186A.040 to require the Transportation Cabinet to suspend the driver's license of the person or persons whose name is on the certificate of title who cancels or does not renew motor vehicle insurance, and, if revocation occurs 3 times within 12 months, directs the Cabinet to notify the county attorney and send to the county attorney certain certified records which will be prima facie evidence of a violation of Chapter 304; amends KRS 186A.095 to require that proof of insurance be presented when a person brings a car into Kentucky from another state; amends KRS 186.180 to require applications for certain duplications to be accompanied by a proof of insurance; amends KRS 186A.065 to require owners to have insurance before operating or permitting the operation of a motor vehicle; amends KRS 304.39-080 to direct suspension of operator's license of owners who fail to maintain insurance; amends KRS 304.39-085 to direct insurers to exempt certain persons from the reporting mandate; creates a new section of Subtitle 39 of KRS Chapter 304 to require agents to notify the Cabinet regarding binder cancellation and to require the agent to write the Cabinet with information within 5 days of any verbal notification; amends 186.570 to set forth a hearing procedure regarding license revocation for failure to maintain insurance; exempts motor vehicle dealers from the requirement to show proof of insurance to the county clerk when applying for a duplicate registration, title, or transfer receipt for a motor vehicle; requires persons who have canceled motor vehicle insurance on a seasonal vehicle to submit an affidavit under penalty of perjury.

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HB 441

AN ACT relating to the Kentucky Board of Tax Appeals and declaring an emergency.

Amends KRS 131.355 to authorize the Kentucky Board of Tax Appeals to use hearing officers to conduct administrative hearings on appeals; EMERGENCY.

HB 442

AN ACT relating to revenue and taxation.

Amends KRS 141.010 to conform the Kentucky income tax law to the Internal Revenue Code in effect on December 31, 1995; exempts disability pension distributions from the individual income tax.

HB 443

AN ACT relating to adult education.

Amends KRS 151B.410 to name the Department of Adult Education and Literacy as the administering agency of the adult learning system; enables the department to charge for services rendered and to develop criteria for certifying adult education providers; and clarifies language to conform.

HB 446

AN ACT relating to certified alcohol and drug counselors.

Creates various sections of KRS Chapter 309 to provide for the certification of alcohol and drug counselors; creates a seven-member board composed of one at-large member and six professionals; sets out duties to include approving applicants for certification, selecting examinations to be given, promulgating administrative regulations, disciplining counselors, establishing a code of ethics, and investigating wrong-doings; establishes qualifications; sets out basis for imposing sanctions; sets out conditions for renewal; establishes continuing education requirements; requires those certified after January 1, 2005, to complete a master's degree in addiction or a related field.

HB 447

AN ACT relating to nature license plates.

Amends KRS 186.1761 to change the name of environmental license plates to nature license plates; requires ten dollars (\$10) of application fee for a five (5) year plate to be deposited in the Kentucky Heritage Land Conservation Fund; EMERGENCY.

HB 448

AN ACT relating to traffic regulations and declaring an emergency.

Amends KRS 281.730, relating to driving hours for motor carriers, to exempt persons from the maximum on-duty and off-duty driving times if the person is transporting an agricultural commodity or farm supplies for agricultural purposes during the planting and harvesting season; defines planting and harvesting seasons; limits transportation to a 100 air mile radius from the source of the commodities or distribution point for the farm supplies; EMERGENCY.

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HB 461

AN ACT relating to adult education.

Amends KRS 151B.125, relating to high school equivalency diplomas, to permit persons twenty-five (25) years or older to obtain a high school diploma through successful participation in the external diploma program including one hundred percent (100%) mastery on competencies established by the American Council on Education and to permit the Department for Adult Education and Literacy to enter into agreements with local school districts for conferring the diploma; amends various other sections to conform.

HB 464

AN ACT relating to school progress reports.

Amends KRS 160.345, relating to school-based decision making, to permit local boards to include by policy a requirement that school councils make an annual report at a public meeting of the board to describe the school's progress in meeting the educational goals set by statute and the district's goals; amends KRS 160.340, relating to local board policy, to authorize a local board to adopt policy requiring annual reports describing school progress made by school councils or by the principal if a council does not exist.

HB 467

AN ACT relating to pharmacy.

Creates a new section of KRS Chapter 315 to declare practice of pharmacy to be a professional practice affecting public health, safety, and welfare; amends KRS 315.010 to define "administer," "collaborative care agreement," "confidential information," "continuing education unit," "drug regimen review," "immediate supervision," "medical order," "nonprescription drugs," "pharmacy technician," "practitioner," "prescription drug," "primary health care," "society," and "supervision;" provides that collaborative care agreement shall apply in a hospital or other health care facility operated by a hospital only with the express written permission of the hospital's governing body, subject to restrictions by the policies and procedures of the facility; provides that "collaborative care agreement" pertains to a written agreement between a specifically identified practitioner and a specifically identified pharmacist, relating to a specifically identified individual; provides that bill does not relate to nonprescription drugs; amends KRS 315.020 to permit pharmacist interns and pharmacy technicians to practice pharmacy under the supervision of a licensed pharmacist; amends KRS 315.035 to increase pharmacy permit application fee and renewal fee to \$250 from \$100, and to prohibit renewal fees from increasing more than \$25 per year; amends KRS 315.036 to raise permit fee to manufacturer or wholesaler of drugs to \$250 from \$100; exempts from manufacturing fee requirement any pharmacist who compounds reasonable quantities of drugs pursuant to a valid prescription drug order, or who distributes limited quantities of prescription drugs to practitioners or pharmacies for the purpose of alleviating temporary shortages or responding to emergencies, or who distributes drugs to practitioners for the purpose of supplying or replenishing reasonable quantities utilized by practitioners or pharmacies if a record of the transfer is maintained, the transfer is documented by purchase order, and the total number of units transferred during a 12 month period does not exceed 5% of the

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total number of all units dispensed by the pharmacy, and the distributions are in accordance with all applicable federal and state laws and administrative regulations; amends KRS 315.040 to conform; amends KRS 315.050 to require board to establish standards for pharmacist intern certification and an approved internship program; permits board to establish fee not to exceed \$50; amends KRS 315.060 to increase examination fee to a maximum of \$300, rather than \$100; amends KRS 315.065 to conform; amends KRS 315.110 annual renewal fee to fee not to exceed \$175, from \$70; amends KRS 315.115 to conform; amends KRS 315.120 to require the board to establish an inactive license fee up to \$50; amends KRS 315.121 to permit board to place on probation or reprimand, in addition to other punishment, licensees for specified reasons; creates new section of KRS Chapter 315 to permit board to order an individual to undergo a mental or physical examination; amends KRS 315.131 to conform; amends KRS 315.150 to permit the Kentucky Society of Health-Systems Pharmacists to submit recommendations for board membership to the association for its consideration; amends KRS 315.171 to permit board members to receive \$100 per day, rather than \$75 per day; amends KRS 315.191 to authorize the board to promulgate administrative regulations relating to pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers, to issue subpoenas, to issue and renew all licenses, to assess reasonable fees, and to seize any drug or device found to constitute an imminent danger to public health and welfare; provides that provisions of chapter shall not interfere with physician's compounding of his own medications, or from dispensing or supplying to his patients any article that seems proper; permits board to join professional organizations, receive and expend funds, and to collect costs of investigation and prosecution not to exceed \$25,000; amends KRS 315.193, 315.195, and 315.220 to conform; amends KRS 315.990 to provide that any person convicted of willfully resisting, preventing, impeding, or interfering with the officers, agents, or inspectors of the board shall be guilty of a Class A misdemeanor and be fined up to \$5,000.

HB 472

AN ACT relating to retirement.

Amends KRS 61.552 to permit an employee participating in a state-administered retirement system on June 30, 2000 to obtain subsequent service with any parted employer of the Commonwealth which is operating for the purposes of KRS 163.475 by paying a delayed contribution payment, provided the retirement system receives a favorable private letter ruling from the IRS or a favorable ruling from the United States Department of Labor.

HB 477

AN ACT relating to structures designed for human occupancy.

Amends various sections of KRS Chapter 227 to redefine "manufactured home" and "mobile home" in accordance with federal definitions and makes conforming changes; adds definitions of "park vehicle", "ANSI", and "manufactured or mobile home park" and, makes conforming changes, and deletes old NFPA definitions; amends KRS 227.570 to include current usage of ANSI 225.1 rather than old NFPA standard; amends KRS 227.580 to clarify that structures not constructed under federal guidelines must meet

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Kentucky standards; amends 227.600 to authorize Department of Housing, Buildings and Construction to issue application forms and designate other agencies which can issue forms for used recreational vehicles and manufactured homes for seals of approval; amends KRS 227.640 to clarify that only a licensed dealer will have 20 days to correct violations of KRS 227.550 to 227.660; and amends KRS 227.600 to prohibit dealers from transporting or installing a manufactured or mobile home which does not have a Class A or B seal.

HB 478

AN ACT relating to leave for teachers.

Amends KRS 161.155 to allow a teacher to use sick leave for the purpose of mourning a member of his immediate family.

HB 482

AN ACT relating to Civil Air Patrol.

Creates new sections of KRS Chapter 36 to place a Unit of Civil Air Patrol in the Department of Military Affairs.

HB 483

AN ACT relating to motorcycle registration.

Amends KRS 186A.035 to include motorcycles as a type of motor vehicle that must be registered during the birthmonth of the owner; amends KRS 186.020 to delete the reference to motorcycles being registered by March 1 and require motorcycles to be registered annually on the date the registration expires; amends KRS 186.130 to delete the provision that allows motorcycles to be registered for only part of the year; amends KRS 186.170 to delete the specific requirement that motorcycles be registered from January 1 to December 31 annually.

HB 485

AN ACT relating to property valuation administrators.

Creates a new section of KRS Chapter 132 that will supersede KRS 132.590(1) if funding is provided in the budget that amends the points and grade classification system for the PVA compensation scale; amends KRS 132.590 to provide that assessment work units will be based on a parcel count per employee, and to allow funds to be paid by the county to the property valuation administrator.

HB 486

AN ACT relating to parent members of the state and regional interagency councils for services to children with an emotional disability.

Amends KRS 200.503 to define "State Family Advisory Council" to include all parents serving as members or alternates on the state, regional, and local interagency councils for services to children with an emotional disability; amends KRS 200.505, to permit the State Family Advisory Council to submit a list of two (2) names of parents who qualify for appointment to the Governor who is required to appoint the parent and alternate parent member who shall serve on the state interagency council from the list;

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clarifies that a parent is eligible to serve one (1) term of four (4) years; permits the appointee to serve out the term of appointment even if the child is no longer a consumer of state-funded services; permits the alternate parent member to attend all council meetings but vote only in the parent member's absence; requires reimbursement for expenses incurred by the parent member and alternate parent member in the performance of their council duties; amends KRS 200.509 to require the parent members and alternate parent members of each regional interagency council to be appointed by the Governor from a list of two (2) names for each appointment to be made with the list to be submitted by the regional interagency council which has the vacancy; and requires reimbursement for expenses incurred by the parent members and alternate parent members in the performance of their council duties.

HB 488

AN ACT relating to teachers' retirement.

Amends KRS 161.545 to allow former members of the Teachers' Retirement System who are currently participating in a state-administered retirement system to purchase service credit for leaves of absences for which they were not eligible to purchase at the time of the leave.

HB 492

AN ACT relating to the transportation of persons.

Amends and create various sections of KRS Chapter 281 to define "city taxicab certificate" and "city limousine certificate" and "disabled persons vehicle"; redefines "limousine" and "airport shuttle vehicle"; imposes restrictions on certain carriers to provide services to persons not covered by their certificates; allow persons operating under taxicab or limousine certificates issued before July 1, 1996 to continue to operate; amends KRS 211.950 to establish Class I, II, and III ground ambulance providers; amends KRS 211.952 to require Cabinet for Human Resources to promulgate administrative regulations relating to emergency medical services; abolishes category of nonemergency health transportation provider.

HB 494

AN ACT relating to the medical assistance program.

Amends KRS 205.560, relating to the Kentucky Medical Assistance Program, to permit the Cabinet to make payments under the Medical Assistance Program for services which are within the lawful scope of practice of a chiropractor licensed pursuant to KRS Chapter 312, to the extent the Medical Assistance Program pays for the same services provided by a physician.

HB 495

AN ACT relating to sexual assault examiners.

Amends KRS 216B.400 to require each hospital to have a physician or a sexual assault nurse examiner available on call 24 hours each day for examinations of persons reported to any law enforcement agency as a victim of sexual offenses; Requires the Chief Medical Examiner to develop a statewide medical protocol for sexual assault nurse

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examiners and the protocol to be promulgated in administrative regulations by the Secretary of Justice; Requires that each reported victim be informed of available crisis intervention or other mental health services provided by regional rape crisis centers providing services to victims of sexual assault; Requires reimbursement of physician or sexual assault nurse examiner for the conduct of the examination; Creates a new section of KRS 314.011 to 314.161 to require the Kentucky Board of Nursing to create a Sexual Assault Nurse Examiner Program; Creates a 14 member Sexual Assault Nurse Examiner Advisory Council and provide for its membership, necessary compensation, and duties; Provides for credentialing of registered nurse applicants as a Sexual Assault Nurse Examiner; Amends KRS 314.011 to define the term "Sexual Assault Nurse Examiner".

HB 504

AN ACT relating to treatment of breast cancer. and declaring an emergency.

Creates various new sections of subtitles 17,18, 32 and 38 of KRS Chapter 304 to require insurers issuing individual or group or blanket health insurance policies in the Commonwealth which provide coverage for treatment of breast cancer by chemotherapy on an expense-incurred basis or nonprofit hospital, medical-surgical, dental, and health service corporations and all health maintenance organizations issuing contracts in the Commonwealth which provide hospital, medical, or surgical expense benefits for treatment of breast cancer by chemotherapy to also provide coverage for treatment of breast cancer by high-dose chemotherapy with autologous bone marrow transplantation or stem cell transplantation; Requires that the coverage only be when performed in institutions that comply with the guidelines of the American Society for Blood and Marrow Transplantation or the International Society of Hematotherapy and Graft Engineering, whichever has the higher standard; requires that treatment of breast cancer by high-dose chemotherapy with autologous bone marrow transplantation or stem cell transplantation not be considered experimental or investigational; creates a new section of KRS 304.17A-100 to 304.17A-160 to require health benefit plans which provide benefits for treatment of breast cancer by chemotherapy to also provide coverage for treatment of breast cancer by high-dose chemotherapy with autologous bone marrow transplantation or stem cell transplantation; requires that coverage only be when performed in institutions that comply with the guidelines of the American Society for Blood and Marrow Transplantation or the International Society of Hematotherapy and Graft Engineering, whichever has the higher standard; requires that treatment of breast cancer by high-dose chemotherapy with autologous bone marrow transplantation or stem cell transplantation not be considered experimental or investigational; Emergency.

HB 513

AN ACT relating to the school calendar and adjustments necessary to deal with the severe winter of the 1995-96 school year and declaring an emergency.

Allows a local school board to extend school days, amend the school calendar to use holidays including Election Day as instructional days, and to exclude up to 5 low attendance days from the average daily attendance calculation to make up instructional days missed due to severe conditions during the 1995-96 school year; allows a local board whose schools have been closed up to 20 days to eliminate up to 5 instructional

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days from the calendar after all remaining days previously scheduled for spring vacation, professional meetings, and holidays are used for instructional days; requires a school district to grant leave to delegates to attend the Kentucky Education Association Delegate Assembly during instructional make-up days due to inclement weather; requires school districts that utilize extraordinary measures to adjust the school calendar to submit a plan that addresses problems presented by inclement weather and ensures that students receive the equivalent of 175 days of instruction; requires that the plan be submitted to the Department of Education and the Legislative Research Commission no later than December 1, 1996.

HB 518

AN ACT relating to law libraries.

Amends KRS 172.180 to allow counties containing cities of the second class to use the alternative funding provided for counties containing cities of the first class in providing for a county law library.

HB 519

AN ACT relating to revenue and taxation.

Amends KRS 141.0101, relating to calculation of depreciation for Kentucky income tax, to include a definition for Section 338 property, and to provide for an extended transition period for Section 338 property, if the amount in transition is at least \$5,000,000.

HB 522

AN ACT relating to agriculture water quality.

Creates a section of KRS Chapter 224 to make state certification of compliance with certain Clean Water Act nationwide permits automatic if a person is conducting a state best management plan.

HB 528

AN ACT relating to the relocation of cities.

Creates a new section of KRS Chapter 81 to permit by ordinance the relocation of a city which is adversely affected by a public project, in counties containing a city of the first class, to an unincorporated area of the county; requires the metes and bounds of the relocated city to be set out; restricts the relocated city to the same acreage as the previous location; transfers all financial assets and legal obligations with the relocation; requires a city of the first class to relinquish all priority rights for annexation to the area of relocation; attaches the priority rights for annexation to the abandoned area in favor of the city of the first class; clarifies that these provisions do not affect or amend a cooperative compact formed pursuant to 79.310-79.330; requires the city clerk to forward specified information within 1 year of relocation to the Secretary of State or city is barred from receiving state funds until compliance; and permits a city to relocate only upon the expiration of a cooperative compact which is in effect within the county.

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HB 535

AN ACT relating to reorganization.

Amends KRS 151B.020 to add the Office of Training and Reemployment, created by Executive Order 94-577, as an organizational unit within the Workforce Development Cabinet; creates a new section of KRS Chapter 151B to establish the Office of Training and Reemployment and administratively attach it to the secretary's office; confirms Executive Order 94-577.

HB 536

AN ACT relating to the Kentucky Recycling Brokerage Authority.

Repeals and reenacts KRS 154.12-202 as a new section of KRS Chapter 224 and amends this section to transfer the Kentucky Recycling Brokerage Authority to the Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection from the Cabinet for Economic Development as mandated in 1994 (1st Extra.Sess.) Ky. Acts ch. 2; removes the secretary of the Economic Development Cabinet from the authority; changes the composition of the membership of the authority from seventeen (17) to sixteen (16) members; directs the Department for Environmental Protection to provide staff services; provides for the appointment of a chairperson from the membership by the Governor; amends KRS 154.12-223 to conform.

HB 537

AN ACT relating to reorganization of the Department of Financial Incentives.

Amends KRS 154.12-224 to reorganize the Department of Financial Incentives by abolishing the divisions of Rural Development and Development Finance, and by creating the divisions of Grants Programs, Direct Loan Programs, Tax Incentive Programs, and Programs Servicing, confirming Resolution Number 95-1 of the Kentucky Economic Development Partnership reorganizing the Department

HB 538

AN ACT relating to the organization of the Department of Agriculture.

Amends KRS 246.030 to reorganize the Department of Agriculture; repeals KRS 246.043, 246.046, 246.060, 246.105, 246.150, 246.180, 246.190, 246.200, 246.230, and 246.240.

HB 541

AN ACT relating to wineries.

Amends KRS 243.155 to permit a small winery to sell wine produced by a licensed farm winery; permits a small winery to transport its product; permits a small winery to obtain a special temporary wine license to sell small and farm winery products at fairs and festivals, if the events are conducted in wet territory; amends KRS 243.156 to permit a farm winery to sell wine produced by a licensed small winery if the wine is made with Kentucky products; allows a farm winery to apply for a permit to import raw materials for winemaking if the materials are not available in Kentucky; permits a farm winery to transport its product; permits a farm winery to obtain a special temporary wine license to sell farm and small winery products at fairs and festivals, if the events are

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conducted in wet territory; and permits each licensed farm winery to have one (1) off-premise sales site, if it is located in wet territory.

HB 543

AN ACT relating to employer contributions to firefighters' pension plans.

Amends KRS 95A.250 to permit the reimbursement to eligible local governments from the PFF fund for employer contributions to firefighter pension plans which are created under Sections 401(a) or 457 of the Internal Revenue Code; and clarifies that employer's contributions for supplements to alternative retirement plans be no greater than those supplements required of employers under CERS.

HB 544

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

Appropriates funds for payment of specific claims; EMERGENCY.

HB 547

AN ACT relating to income tax.

Amends KRS 141.081 to provide for a standard deduction of \$900 in the 1997 tax year, \$1,200 in the 1998 tax year, \$1,500 in the 1999 tax year, and \$1,700 in the 2000 tax year; provides that the standard deduction be indexed to the CPI for the 2001 tax year and every tax year thereafter.

HB 556

AN ACT relating to consumer protection remedies.

Amends KRS 367.230 to require that any one who voluntarily enters into a compliance assurance agreement and fails to comply is in violation of the consumer protection laws.

HB 563

AN ACT relating to unemployment insurance.

Amends various sections of KRS Chapter 341 to conform to federal requirements and comply with Kentucky case law; creates a new section to allow a claimant to request income tax withholding from benefit payments; repeals KRS 341.613 relating to an employer surcharge which no longer applies; and amends various other sections of KRS Chapter 341 to conform.

HB 564

AN ACT relating to water districts, and declaring an emergency.

Amends KRS 74.020 to specify that if merger of two or more water districts within a single county occurs as described in KRS 74.361, the county judge/executive may appoint with approval of fiscal court, two additional members; amends KRS 74.363 to specify treatment of boards of commissioners during merger of two or more water

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districts; and provides for disposition of assets, legal liabilities, and titles of property, for merger of water districts; EMERGENCY.

HB 568

AN ACT relating to motor vehicles.

Amends KRS 44.045, relating to motor vehicles purchased for use by state agencies and state officials, to authorize the Transportation Cabinet, in addition to the Finance and Administration Cabinet, to purchase vehicles for agency use; authorizes the Secretary of the Finance Cabinet, to approve the assignment of motor vehicles to state officials for personal use.

HB 570

AN ACT relating to reorganization.

Confirms Executive Order 95-169; abolishes the Department of Law within the Natural Resources and Environmental Protection Cabinet and creates the Office of Legal Services within the Cabinet, Office of the Secretary; directs that provisions of subsection (2) of KRS 224.40-330, relating to submission of a disclosure statement prior to the granting of a permit for a solid waste management facility, shall not apply to renewals of permits for the treatment or storage of hazardous waste if the hazardous waste is generated at the same waste site or facility for which the treatment or storage permit has been issued; clarifies that the new provision is in addition to the provisions of reorganization Executive Order 95-169, which is confirmed by the original provisions.

HB 574

AN ACT relating to embalmers and funeral directors.

Amends various sections of KRS Chapter 316 to lessen an embalmer's apprenticeship from two years to one; permits up to two years of a funeral director's apprenticeship to be substituted for approved education experiences; increase fees; establishes a \$75 examination fee; permits a licensee who is 70 years of age or older to take inactive status; permits the board to require a licensee with a license that expired more than three years ago to require proof of his competency to embalm or direct funerals; changes penalty for unauthorized practice; repeals various sections.

HB 575

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

Repeals KRS 250.750 which sets out definitions for the tobacco seedling program; repeals KRS 250.755 which defines the scope of the seedling program; repeals KRS 250.760 which requires the use of certified tobacco seed and requires labeling of tobacco seedlings for distribution; repeals KRS 250.765 which requires seedling labelers to get a permit and pay an inspection fee; repeals KRS 250.770 which outlines recordkeeping requirements for dealers or permit holders; repeals KRS 250.775 which makes certain acts associated with tobacco seedlings unlawful; repeals KRS 250.780 which describes the duties of the Director of the Kentucky Agricultural Experiment Station regarding the seedling program; repeals KRS 250.785 which describes proceedings against violators; repeals KRS 250.790 which sets out penalties.

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HB 578

AN ACT relating to the hunting of birds.

Amends various sections of KRS Chapter 150 to define waterfowl as all species of wild ducks, geese, swans, mergansers, and coots; defines migratory shore or upland game birds as all species of migratory game birds except waterfowl; allows the holder of a Kentucky waterfowl permit to take waterfowl and migratory shore or upland game birds; allows the holder of a migratory game bird permit to take migratory shore or upland game birds; removes the exemption from possessing a hunting license to take waterfowl from residents sixty-five or older; requires any person required to possess a hunting license, except children, taking waterfowl, in addition to the appropriate hunting license, to possess a Kentucky waterfowl permit; requires any person required to possess a hunting license, except children, taking migratory shore or upland game birds, in addition to the appropriate hunting license, to possess either a Kentucky waterfowl permit or a Kentucky migratory game bird permit.

HB 579

AN ACT relating to blasters' examination and license fees.

Amends KRS 351.315 to prohibit the Department of Mines and Minerals from issuing a blaster's license to any person prohibited by federal law from transporting or receiving explosives; increases various maximum fees for blasters.

HB 580

AN ACT relating to permitting the purchase of explosives.

Creates a new section of KRS Chapter 351 to require a person who purchases, receives, or takes possession of an explosive to first obtain a permit from the Department of Mines and Minerals; sets forth the application process for obtaining the permit; requires a \$20 application fee; requires proper storage for the explosives; requires a record of sales of explosives; exempts sales between registered explosive dealers and manufacturers.

HB 581

AN ACT relating to municipal housing authorities.

Amends KRS 80.010 to change definitions of "housing," "governing body," and "mayor;" amends KRS 80.020 to include within the powers of housing authorities, the powers specified in KRS 80.500, as well as the power to mortgage or otherwise encumber property owned or held by the authority, for specified purposes; permits housing authorities to lend money and lease or convey real property to other governments or their agencies; amends various other sections of KRS Chapter 80 to change some references from "low-cost" to "low income"; changes limitation in KRS 80.130 from \$2,000 to \$10,000; includes urban-county governments in provisions of bill; specifies that federal agencies approve the use of their funds; adds definition of "low income" and "moderate income" to KRS 80.010; requires housing be for individuals or families with low or moderate income as specified, or for those people in excess of low or moderate income if the housing is associated with low or moderate income housing as specified; provides that cities have power to form housing authorities to engage in housing that is or is associated

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with low or moderate income; and specifies that condemned property shall be that property which an authority is permitted to acquire, establish and operate under KRS 80.020(1).

HB 582

AN ACT relating to rural and secondary roads.

Amends KRS 177.010, to define "rural and secondary roads"; amends KRS 177.330 to permit the Transportation Cabinet to receive recommendations from any citizen on publicly-owned county roads scheduled for work under the Rural and Secondary Road Program; eliminates requirement mandating the cabinet to consult with a fiscal court on county roads under the program; transfers authority over the program from the Department of Highways to the Department of Rural and Municipal Aid.

HB 583

AN ACT relating to administrative regulations.

Amends KRS 13A.330 to provide that if an administrative regulation is found deficient, it shall become effective after the Governor submits a written determination to the Regulations Compiler that the administrative regulation shall become effective notwithstanding the finding of deficiency.

HB 584

AN ACT relating to voting.

Amends KRS 117.255 to prescribe criteria for the forms of voter assistance which will be rendered to voters who are certified as requiring assistance on a permanent or annual basis because of a disability or an inability to read English, and to others who are not so certified, and to delete other limitations against persons who may render assistance; and amends KRS 117.0863 to conform.

HB 585

An ACT relating to legislative ethics.

Amend KRS 6.611 to provide that "anything of value" shall not include costs of admittance or attendance, or the value of food or beverages consumed; to provide that "anything of value" shall include transportation, lodging, and other ancillary expenses related to attendance or participation in events to which the legislator is invited and LRC approves; to provide that events for which the cost of attendance or participation provided by the sponsoring entity, of lodging, and of food and beverages consumed, fall within the exemption to the definition of "anything of value" for those events which are held within the state of Kentucky; to provide that the definition for "compensation" shall not include reimbursement for expenses that meet specified criteria; to provide that "family member" may also mean a member of the individual's household who is dependent upon the member; to provide that "financial transaction" shall not include a transaction or activity available to the general public, on the same or similar terms and conditions, or a transaction made or let after public notice and competitive bidding; to provide that a "legislative agent" may also mean an individual engaged in lobbying activities as a legislative liaison of an association, coalition, or public interest entity

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formed for the purpose of promoting or otherwise influencing legislation; amends KRS 6.651 to remove the selection criteria by which the Speaker of the House and the President of the Senate must appoint members to the Legislative Ethics Commission, thus deleting the requirement that appointments be made from certain lists; amends KRS 6.666 to give the Legislative Ethics Commission jurisdiction over the disposition of complaints filed with the commission; deletes the authority for the commission to initiate complaints and conduct investigations on its own motion; amends KRS 6.686 to permit a commission member to file a complaint; directs the commission to investigate any violation of the code upon the filing of a complaint; requires complaints to be sworn; requires the commission to serve a copy upon the alleged violator by certified mail; permits the alleged violator to file an answer and specify that the filing of an answer is wholly permissive and that no inferences shall be drawn from failure to file an answer; requires a complaint that fails to state a claim of an ethics violation to be dismissed; amends KRS 6.744 to provide that a legislator may contact a state agency on behalf of a person or constituent to make a legislative inquiry; amends KRS 6.807 to require legislative agents to include in the filing of an initial registration statement, the nature and identity of the organized association, coalition, or public interest entity, and whether the agent will be lobbying on behalf of their employer, or as a representative of the organized association, coalition, or public interest entity; amends KRS 6.821 to require representatives of an organized association, coalition, or public interest entity to comply with updated registration statement requirements, and to identify the source of the entity or association's funds and financial resources.

HB 588

AN ACT relating to childhood immunizations.

Amends KRS 214.034 to require immunizations of children against measles, mumps, hepatitis B, and haemophilis influenzae disease in addition to those currently required under state law; Allows additional immunizations to be required by the Cabinet for Human Resources through administrative regulation if recommended by the United States Public Health Service or the American Academy of Pediatrics; Requires current immunization certificate to be on file for any child enrolled in a public or private primary or secondary school and preschool program; Requires immunization certificate to be on file at schools within two weeks of the child's attendance, rather than prior to attendance; Requires a current immunization certificate to be on file for any child cared for in a day care center, certified family child care home, or any other licensed facility which cares for children; Requires that any forms relating to exemption from immunization requirements be available at public or private primary or secondary schools, preschool programs, day care centers, certified family child care homes, or other licensed facilities which care for children.

HB 597

AN ACT relating to reorganization.

Creates new sections of KRS Chapter 151B to transfer the Department for Employment Services and the Unemployment Insurance Commission from the Cabinet for Human Resources to the Cabinet for Workforce Development; amends various

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sections of KRS Chapters 12, 42, 151B, 154, 156, 161, 194, 195, 341, 342, and 439 to conform; specifies powers of the secretary of the Workforce Development Cabinet relating to confidential records, administration of oaths, issuance of subpoenas, and promulgation of administrative regulations; repeals KRS 195.040, which assigns state employment offices to the Cabinet for Human Resources; confirms Executive Order 95-289.

HB 599

AN ACT relating to revenue and taxation.

Amends KRS 141.120 to establish a system that will allow affiliated corporations to elect to file a consolidated return for Kentucky corporate income tax purposes. Provides that the provisions of the Act apply to tax years ending on or after December 31, 1995

HB 602

AN ACT relating to the judicial branch.

Amends KRS 24A.060 to add a third District Judge to the Eighth Judicial District, consisting of Warren County; amends KRS 24A.050 to conform.

HB 603

AN ACT relating to adult education.

Amends KRS 151B.130, relating to the Foundation for Adult Education, to change the name to the "Foundation for Adult Education" from the "GED Foundation for Adult Education" and to delete the word "assistance" in reference to staffing for the board of trustees; amends KRS 12.020, relating to departments, program cabinets, and administrative bodies, and KRS 151B.020, relating to the organization of the Workforce Development Cabinet, to conform.

HB 605

AN ACT relating to coal mining and declaring an emergency.

Amends various sections of KRS 351 to prohibit the discharge of or other discrimination against a person for testifying or failing to testify at a department hearing; requires the commissioner of mines and minerals to hold a mine inspector's certificate; upgrades and alters training requirements and categories; requires the Governor to appoint an adequate number of mine safety analysts; abolishes the Board of Miner Training, Education, and Certification and replaces it with the Mining Board; alters membership; requires the board to act on all matters brought before it by the department, and after hearing to issue orders; includes approval of administrative regulations in the board's duties; alters the board's responsibilities for education and training; if the department discovers a miner working without proper training, requires the miner to be withdrawn from the mine and requires the licensee to pay the miner until the training is administered; requires the licensee to provide the employee a copy of his training records when employment is terminated; raises the fee for application for mine safety analyst, electrical inspector, mine safety instructor, mine foreman or assistant mine foreman from \$25 to \$50; allows for the position of mine emergency technician; declares that operation

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of a coal mine in Kentucky is a privilege granted by the Commonwealth to a licensee who satisfies the requirements and demonstrates that the mine is or will be operated in a safe manner and in accordance with the laws of the Commonwealth; increases the maximum that a license can cost to \$1,500; deletes the provisions that allow for violations and misdemeanors under KRS Chapter 351, except KRS 351.315 to 351.375 and KRS 351.175; allows the board to hold hearings to hear charges against any licensee, and to issue an order; requires the department to carry out orders that may include revocation or suspension of the mine license or the miner's certification; requires each active working section of the mine to be ventilated by a separate split of intake air; requires areas of the mine that cannot be adequately ventilated and examined to be sealed in a timely manner; at all mines utilizing track haulage or transportation, requires development of a safe and uniform system of traveling through all switch points to prevent collisions; requires mining equipment to be maintained in safe working order at all times; alters various safety requirements; requires employees to sign a statement indicating receipt of a copy of the mine rules; requires the mine rules to be taught during annual retraining; requires new safety equipment or protective clothing required by new mine rules to be provided by the licensee; requires all underground miners to be provided with an approved self-rescuer device and to have that device within 25 feet at all times; deletes clay mining from regulation under KRS Chapters 351 and 352; makes technical changes; repeals KRS 351.073 which created a moratorium on regulations, with exceptions; repeals KRS 351.177 which created the special task force to investigate illegal mining; repeals KRS 351.180 relating to inspection of mine scales; repeals KRS 352.015 creating a moratorium on regulations; repeals KRS 351.520 relating to mine scales; and repeals KRS 352.530 relating to check weighmen.

HB 607

AN ACT relating to banking.

Creates new sections of KRS Chapter 287 to regulate agency agreements of state banks; restricts a state bank as an agent from any activity which the bank is not permitted to conduct as a principal under any applicable federal or state law; authorizes state banks to enter into interstate merger transactions to establish branches in a state other than Kentucky; allows out-of-state banks to operate branches in Kentucky; allows transfer of all branches in a county of one of the commonly controlled banks to any other of the commonly controlled banks; permits bank or trust company to invest in investment company or trust owned or controlled by the bank or trust company as affiliate; clarifies bank and trust company's liability as fiduciary; establishes standard of prudent investor for banks and trust companies acting as fiduciaries; amends KRS 287.010 to provide that a change in ownership of voting stock of a bank shall not be considered a change of control if it results in less than 25 percent ownership of voting stock rather than less than 10 percent; amends KRS 287.030 to conform; amends KRS 287.100 to allow a bank to invest in the capital stock or bonds of a trust company; amends KRS 287.103 to require commissioner's approval of investment in personal property if it exceeds 5 percent of the bank's total paid-in capital, unimpaired surplus, and undivided profits; amends KRS 287.110 to delete provision that capital stock of bank and funds in its possession not held in fiduciary capacity to be invested in any manner deemed prudent by directors; amends

ACTIONS OF THE 1996 GENERAL ASSEMBLY

KRS 287.140 to allow transfer of fiduciary accounts to an affiliated bank or an affiliated trust company; amends KRS 287.180 to permit applications to establish branch in any county in which an existing branch is located; deletes minimum capital and surplus requirements for establishing a branch; authorizes the commissioner to authorize mobile branches and temporary branch facilities; amends KRS 287.440 to allow the commissioner to contract with any bank supervisory agency with concurrent jurisdiction over a state bank or branch of an out-of-state bank operating in Kentucky to engage the services of the agency's examiners; amends KRS 287.450 to subject branches of out-of-state banks to inspection by the commissioner or an examiner; authorizes the commissioner to enter into information-sharing agreements with other bank supervisory agencies as to periodic examinations or other supervision of any branch of an out-of-state bank or branch of a state bank in any host state; amends KRS 287.480 to permit assessment of out-of-state branches subject to inspection and examination by the commissioner; permits the commissioner to enter into cooperative agreements with other bank supervisory agencies for collection, remittance, and sharing of fees; amends KRS 287.900 to delete provision that allows bank holding companies in states other than Kentucky to acquire control of Kentucky banks if the other state allows acquisition of banks by Kentucky banks; deletes provision that restricted acquisition during the five year period after 1984; amends KRS 287.915, that permits a bank holding company to combine commonly controlled banks, to allow the surviving bank to establish additional branches in any county where any bank involved in the combination had established a branch or main office; permit a combined bank's former main office and all branches in a county to be transferred by the surviving bank to a newly chartered bank in the same county or to an existing bank or bank holding company. include savings and loan association and federal savings bank in the definition of bank; amends KRS 287.990 to make some penalty provisions discretionary rather than mandatory.

HB 610

AN ACT relating to school transportation.

Amends KRS 156.153, relating to school bus standards, to permit districts to use district-owned vehicles meeting qualifications to transport nine (9) or fewer passengers, including the driver, for approved school activities; amends KRS 189.540, relating to school bus regulations, to conform.

HB 611

AN ACT relating to membership of persons with disabilities on boards.

Creates a new section of KRS Chapter 12 to define "act" and "disability"; expresses finding of General Assembly that persons with disabilities should be provided opportunities to contribute their perspectives in the decision-making processes; requires that a person with a disability or a member of that person's family be included in the membership of each advisory board, committee, commission, task force, or ad hoc committee, created specifically to develop or oversee policies or programs related to persons living with a disability, of any executive cabinet or local community based agency governing board that receives funds from any executive cabinet; creates a new section of KRS Chapter 8 to require that a person with a disability or a member of that

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person's family be included in the membership of each advisory board, committee, commission, task force, or ad hoc committee of the Legislative Research Commission or the General Assembly, if the advisory board, committee, commission, task force, or ad hoc committee is created specifically to develop or oversee policies or programs related to persons living with a disability; creates a new section of KRS Chapter 21 to require that a person with a disability or a member of that person's family be included in the membership of each advisory board, committee, commission, task force, or ad hoc committee of the Judicial Branch, if the advisory board, committee, commission, task force, or ad hoc committee is created specifically to develop or oversee policies or programs related to persons living with a disability; amends KRS 205.900 to delete reference to advisory board.

HB 614

AN ACT relating to apprentice permits for specialists in hearing instruments.

Amends KRS 334.090 to allow the board for hearing instruments specialists to promulgate administrative regulations governing renewal of the apprentice permit for those who failed licensing qualification examination; amends KRS 334.010 to conform.

HB 617

AN ACT relating to revenue and taxation.

Amends KRS 139.340 to include as a retailer engaged in business in this state any retailer soliciting orders from Kentucky residents on a regular systematic basis who benefits from an agent offering repair or service on property sold by the retailer in this state.

HB 618

AN ACT relating to leave for teachers.

Amends KRS 161.155 to allow up to 30 days of sick leave to be used for the birth of a child; allows leave to be extended with a physician's verification of need.

HB 620

AN ACT relating to urban-county government civil service.

Amends KRS 67A.240 to remove residency requirement for civil service applicants who are honorably discharged from the Armed Services and who served in W.W.II, or the Korean or Vietnam conflicts, and increases applicant pool of eligible applicants for each position from 3 to 5; amends KRS 67A.270 to reflect increase of applicant pool from 3 to 5; and raises restriction of certification of persons from an eligible list from 2 times to 5 times.

HB 629

AN ACT relating to reorganization.

Creates a new section of KRS Chapter 156 which creates the Kentucky Community Service Commission and attach it to the Council for Higher Education for administrative purposes only, and allows them to receive temporary staffing from the Council on Higher Education and also from the Department of Education; provides initial

ACTIONS OF THE 1996 GENERAL ASSEMBLY

membership and term limits; states the purpose and general objectives of the commission; amends KRS 12.020 to show the commission being created as a sub-section of the Council on Higher Education.

HB 634

AN ACT relating to the state lottery.

Amends KRS 154.030 which changes the membership of the state lottery board of directors to consist of eight (8) members, seven (7) of whom will be appointed by the Governor and the remaining member to be the State Treasurer who serves in an ex officio capacity; provides that no appointed member may serve more than two (2) consecutive four-year terms, appointed members may be removed by the Governor, and the chairman must be selected from the appointed members.

HB 637

AN ACT relating to local government ethics

Amends KRS 65.003 to require that candidates for city and county elective office comply with annual financial disclosure filing requirements in local government ethics codes.

HB 655

AN ACT relating to revenue bonds for energy conservation improvements.

Creates new sections of KRS Chapter 58 to authorize local governmental agencies to issue energy conservation revenue bonds to pay for energy saving improvements to buildings they own or operate; requires an energy audit and cost benefit analysis, limits the term of bonds to 10 years or the useful life of the improvement, and limits the amount of bonds issued to 10% of the replacement cost of the building on which improvements are being made, and debt service to 80% of projected annual energy cost savings; requires approval by the commissioner of education for school districts if the bond principal is \$100,000 or more, and approval by the state local debt officer for other local governments if the bond principal is \$500,000 or more; requires the Departments of Education and Local Government each to establish procedures by administrative regulation to be used by their respective local agencies for conducting and approving the energy audits and analyses for energy conservation projects.

HB 683

AN ACT relating to government finance and bonded debt.

Amends KRS 41.390, 58.030, 58.040, 65.270, 67.490, 67.495, 74.180, 74.290, 74.330, 76.150, 76.233, 76.253, 76.254, 76.365, 80.230, 80.570, 82.150, 96.184, 96.189, 96.195, 96.380, 96.390, 96.690, 96.810, 97.150, 97.160, 97.760, 99.430, 106.060, 106.070, 106.260, 107.200, 106.540, 162.170, 162.180, 162.350, 175.500, 177.450, 180.080, 181.670, 181.854, 183.134, 183.135, 184.140, 184.160, 184.250, 184.260, 184.270, 216.110, 216.120, 216.813, 220.370, 220.400, 220.575, 220.577, 247.180, 266.160, 267.330, 268.370, and 269.010 to delete the maximum interest rates which may be yielded by bonds and warrants, makes interest payable at least annually, and deletes obsolete language which prohibited the sale of bonds at less than par, interest, and

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proceeds; amends KRS 178.170 to remove maximum interest rates on bonds, requires at least annual interest payments and deletes requirement for local election and favorable rates prior to the issuance of bonds for county roads and bridges instead permitting the issuance of bonds by action of the fiscal court; amends KRS 58.150, 96A.120, and 107.460 to conform; and repeals KRS 58.170, 82.130, and 91A.090.

HB 693

AN ACT relating to emergency medical services.

Amends KRS 211.956 to delete restriction on use of matching fund program for training of emergency medical service personnel to assist city and county governments with unavailable or inadequate personnel, where expenditures for ambulance services exceed 5 percent of the city or county general fund budget, and, instead allow fund program to provide for an adequate number of trained emergency medical service personnel to respond to medical emergencies; expands the purposes for which the fund moneys may be provided to a city or county government to include the purchase of EMS training equipment and emergency medical services training aids; provides for continuing education to certified EMTs, paramedics, first responders, and related EMS personnel who respond to medical emergencies; grants salary and fringe benefit enhancements to EMTs and paramedics, who serve as attendants of ambulance services owned and operated by the applicant city or county or by an ambulance service district; provides programs to train the general public in cardiopulmonary resuscitation or first aid; deletes requirement that moneys from the fund be used solely to match expenditures which exceed the 5 percent limit, and not be used to supplement expenditures below the 5 percent limit; delete state and local match rate for EMS personnel salaries; deletes requirement that the local match be in money and that in-kind matching be prohibited; restricts grants to counties to \$10,000 per year instead of \$40,000 per year; requires the Cabinet for Human Resources to annually prepare a preliminary estimate of funds available for each county, prorated on the basis of each county's total population; requires that moneys awarded from the fund not exceed 50 percent of the approved total cost of any eligible application up to the total allocation available to each country; deletes the requirement that funding periods coincide with the fiscal year as established by the cabinet; Removes provision refunding matching money back to Cabinet for Human Resources in the event expenditures from city or county general fund budget do not meet or exceed five percent of the general fund budget of the city or county for the year; repeals KRS 211.958.

HB 695

AN ACT relating to campaign contributions.

Amends KRS 121.150 to increase the maximum campaign contribution limit from \$500 to \$1,000 per election and to increase the aggregate amount of PAC contributions which a candidate may accept from the greater of 35% of all contributions accepted or \$5,000 to the greater of 50% of all contributions accepted or \$10,000, and to make those limits applicable to each election instead of each election cycle; and amends KRS 121A.050 to increase the maximum campaign contribution to a slate of candidates for Governor and Lieutenant Governor from \$500 to \$1,000 per election.

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HB 699

AN ACT relating to pre-need funeral services.

Amends KRS 367.934 to provide that no provision of the Consumer Protection Act relating to pre-need funeral services and merchandise contracts apply to funeral service or merchandise sold as burial insurance policies which are instead regulated by the department of insurance.

HB 701

AN ACT relating to boat registration.

Amends KRS 235.080 to require a \$5 registration fee for boats with electric motors as the sole source of propulsion.

HB 736

AN ACT relating to oil and gas reports.

Requires all operators of any oil or gas property to submit identification of producing leases on the form on which production is required to be reported by the Department of Mines and Minerals.

HB 737

AN ACT relating to the plugging of oil and gas wells.

Amends KRS 353.180 to allow the Department of Mines and Minerals to sell, or include as part of compensation in the contract for the plugging of the well, all equipment removed from that well; requires the department to publish in the newspaper, notice of all wells proposed for plugging on which there is salvageable equipment; allows the department to sell or otherwise dispose of the equipment if not claimed.

HB 742

AN ACT relating to the official state silverware pattern.

Creates a new section KRS Chapter 2 to designate an official state silverware pattern.

HB 743

AN ACT relating to economic development.

Amends the definition of "economic development project" in KRS 154.28-010 to allow the acquisition of improvements or facilities on land possessed by an approved company pursuant to a ground lease having a term greater than 59 years; stipulates that lease payments are not eligible for tax credits, and that an economic development project shall include equipping a facility but, for purposes of tax credits, only to the extent of \$10,000 per job created and maintained at the economic development project; amends KRS 154.22-070 to reduce the job development assessment fee to 4% and eliminates the credit against local occupational license fees; creates a new section of KRS 154.22-070 to allow an approved company that currently assesses a 6% job development assessment fee to reduce the fee to 4%, subject to certain provisions and provided that the company receive approval by June 30, 1997; amends KRS 65.530 by adding language to allow the

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authority to operate and expand a riverport and navigation facilities in the home county or any adjacent county of the riverport.

HB 744

AN ACT relating to campaign finance.

Amends KRS 121.015 to exclude from the definition of "campaign committee" a generic entity formed solely by a candidate which is managed solely by a candidate and a campaign treasurer and whose name does not reflect committee status; and amends KRS 121.170 to exempt such a generic entity from the requirement that it register with the registry.

HB 747

AN ACT relating to retirement.

Amends KRS 67A.430 to provide that a retiree or surviving spouse whose monthly annuity is less than the poverty level as established by the U.S. Department of Commerce shall have the annuity increased to the poverty level for 1996; allows board to increase the annuity as provided by KRS 67A.690(1).

HB 753

AN ACT relating to administrative regulations.

Creates a new section of KRS Chapter 13A to establish the procedure for repeal and repromulgation of administrative regulations required by executive branch reorganization; amends various sections of KRS Chapter 13A to require a public hearing for an emergency administrative regulation that will not be replaced by an ordinary administrative regulation; defines all types of administrative regulations; defines "effective"; extends the time for filing a request for a notice-of-intent public hearing; establishes or clarifies deadlines for dates of various public hearings, requests for public hearings and extensions of time for filing; exempts emergency administrative regulation from notice of intent requirement; requires filing of administrative regulation within 60 days of notice-of-intent public hearing; deletes incorrect cross-references; divides, rewords, and renumbers existing sections into subsections or paragraphs for clarity; requires administrative body to notify regulations compiler of errors in Administrative Register; clarifies that administrative regulations required by federal law comply with KRS Chapter 13A; requires documents filed with ordinary administrative regulation to be filed with emergency administrative regulation; establishes standard format for administrative regulations; requires complete information relating to administrative body contact person and deadline for ; establishes format for definitions; require consideration of comments received by adjournment of public hearing and identification of commenters; clarifies procedures for filing of required forms; requires notification of Regulations Compiler by legislative subcommittee of legislative subcommittee action relating to review of administrative regulations; establishes procedure for repeal of administrative regulations; permits amendments at legislative subcommittee meetings to include items related to written comments at administrative body public hearing; exempts from publication in Administrative Register amendment of administrative regulation restricted to drafting and format that do not affect the substance of an administrative

ACTIONS OF THE 1996 GENERAL ASSEMBLY

regulation; establishes format for amendments submitted at legislative subcommittee meeting; establishes criteria for determination of whether administrative regulation is identical to or substantially the same as deficient and expired administrative regulation.

HB 755

AN ACT relating to funding for child abuse prevention programs through a fee on a certified copy of a record of a birth.

Amends KRS 213.141 to raise the fee for a certified copy of a record of a birth from \$5 to \$9; require \$3 of \$9 to be used by the Cabinet for Human Resources for the purpose of contracting for the operation of private, not-for profit, self-help, education and support groups for parents who want to prevent or cease physical, sexual, or mental abuse of children.

HB 764

AN ACT relating to surface mining.

Amends KRS 350.0301 to grant a hearing petitioner the opportunity to contest the validity of an underlying notice of noncompliance in a timely filed demand for hearing to contest the validity of a cessation order issued for a failure to abate the violation contained in the notice of noncompliance; amends KRS 350.990 to require that any person issued an order pursuant to KRS 350.130(4) be assessed a civil penalty of not more than five thousand dollars for the underlying notice issued therewith, and that no separate penalty be issued for the order issued pursuant to KRS 330.130(4); specifies that, for any person issued an order pursuant to KRS 350.130(4), that the penalty be paid for each violation cited in the underlying notice of noncompliance, and that no separate civil penalty shall be assessed for the order.

HB 768

AN ACT relating to economic development.

Amends KRS 154.12-215 to include, as a duty of the Department of Community Development, introducing entrepreneurs to investors interested in start-up and early-stage financing; amends KRS 154.12-223 to include the Kentucky Investment Capital Network as a program within the Department of Community Development; creates a new section of Subchapter 12 of KRS Chapter 154 to establish the Kentucky Investment Capital Network.

HB 776

AN ACT relating to state government.

Amends KRS 11.065 to add the secretaries of the Cabinet for Families and Children and the Cabinet for Health Services, the State Budget Director, and the Governor's Chief of Staff to the Governor's Executive Cabinet; amends KRS 11.068 to create the Office of State Budget Director, attached to the Office of the Governor for administrative purposes.

HB 782

AN ACT relating to reimbursement of health care providers for rendering vision or chiropractic services.

Creates a new section of Subtitle 17A of KRS Chapter 304 to require health insurance policies to guarantee that covered persons will have direct access to the primary chiropractic provider of their choice without referral from another provider; assures that plans using a gatekeeper system will designate the chiropractic provider as the gatekeeper; permit any chiropractor who agrees to abide by terms of the plan to be a participating primary chiropractic provider; assures that an adequate number of chiropractic providers are included in a health plan as participating primary chiropractic providers; creates a new section of Subtitle 38 of KRS Chapter 304 to require a health maintenance organization that covers services within the scope of practice of optometrists to provide benefits for the services whether performed by a licensed physician or an optometrist; requires health maintenance organizations that cover services of ophthalmic dispensers to pay for services rendered by ophthalmic dispensers.

HB 807

AN ACT relating to teachers' retirement and declaring an emergency.

Creates a new section of KRS Chapter 161, relating to the teachers' retirement system, to allow an active member to purchase service credit by making installment payments in lieu of a lump sum payment; amends KRS 161.220 to clarify the limitations placed on reemployment of retirees; amends KRS 161.340 to allow the system to obtain technical services when not readily available from state government; amends KRS 161.507 to conform with the Uniformed Services Employment and Re-employment Rights Act of 1994; amends KRS 161.515 to delete the reference to state administered system; amends KRS 161.522 and 161.525 to permit surviving spouses to choose a term certain annuity on deceased member who was retired on disability; amends KRS 161.540 to change from 40 to 60 days the amount of accrued annual leave that may be credited for retirement purposes; amends KRS 161.545 to allow members to obtain retirement credit for periods of absence due to health, child-rearing and obtaining graduate degrees; amends KRS 161.553 to specify the amounts that must be appropriated to fund obligations for past retiree increase; amends KRS 161.560 to permit members to make contributions when employer fails to deduct the correct amount of contributions for a member; amends KRS 161.600 to allow each retirement system to determine the effective date of a member's retirement; amends KRS 161.603 to permit a reduction of discount for age when a retiree returns to contributing service and retires with additional credit and to limit the number of times a retiree may waive his annuity and return to full-time employment; amends KRS 161.605 to distinguish between substitute-teaching and part-time and temporary employment by retirees; amends KRS 161.620 to provide an increase in the minimum value of a year of service if funding is included in 1996-98 biennial budget and changes the cost-of-living increase to 3% of the monthly allowance when the allowance is less than \$834 and 1% when the allowance is more than \$834, based on an assumed maximum monthly allowance of \$1250 during the first year of the biennium; changes the cost-of-living increase to 3% of the monthly allowance when the allowance is less than \$834, for the second year of the biennium; amends KRS 161.655 to provide

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that payment of death benefits will not be affected by reciprocal provisions with other retirement plans; amends KRS 161.661 to increase the maximum amount of income that a disability retiree may receive from \$20,000 to \$27,000 when other income is included; amends KRS 161.675 to clarify that the system may use funds that are allocated or appropriated by statute to help fund health insurance and that the system may provide health insurance for retirees under the plans made available for state employees; and repeals KRS 161.450, 161.546; and 161.712; EMERGENCY.

HB 814

AN ACT relating to the enforcement of local government ordinances.

Creates new sections of KRS Chapter 65 to allow local governments, as defined, to create and seat a code enforcement board with the power to issue remedial orders and impose civil fines resulting from the violation of the respective ordinances of the particular government; allows local legislative body to declare the violation of an ordinance a civil offense and establishes fines for violation; determines board membership, qualifications of members, removal, compensation, and reimbursement of members; establishes powers of board; provides mechanisms for issuance of citations for violations of ordinances, hearings on violations, and appeals of determinations of board; provides for enforcement of liens on property of violators; allows immediate action of city or county when severe danger is thought to exist; and permits the local government to select an attorney of its choice to represent the local government in code enforcement cases.

HB 815

AN ACT relating to tourism development.

Creates a new section of KRS 154 that refers to all following sections of the Act as the "Kentucky Tourism Development Act"; creates a new section of KRS 154 to define "agreement," "approved company," "approved costs," "authority," "eligible company," "final approval," "inducements," "preliminary approval," "tourism attraction," and "tourism attraction project"; creates a new section of KRS 154 that expresses the sentiments of the General Assembly concerning the importance of tourism to the state; creates a new section of KRS 154 that requires the secretary of the Tourism Development Cabinet, in consultation with the authority, to establish standards used to evaluate companies and tourism attraction project applications and requires that these standards be set forth in administrative regulations; requires the secretary of the Tourism Development Cabinet to obtain information from companies seeking approval concerning marketing plans, anticipated capital expenditures that indicate that the cost of the project shall exceed \$1,000,000, anticipated funding sources, anticipated employment and wages, and anticipated revenues and expenses generated by the project; allows the secretary of the Tourism Development Program, based upon a reasonable determination that the project shall meet the criteria for final approval, to request the authority to consider a preliminary approval of the project; contingent upon approval by the authority, directs the secretary of the Tourism Development Cabinet to engage the services of a consulting firm to analyze the data made available and to collect and analyze additional information necessary to determine that the project shall generate at least 25% of its visitors from out-of-state,

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shall have costs exceeding \$1,000,000, shall have a positive economic impact on the state, shall be open to the public for a minimum of 100 days per year, and other criteria; requires the eligible company to pay for the cost of the evaluation and cooperate with the consultant; after a review of relevant materials, requires the secretary of the Tourism Development Cabinet to provide a recommendation concerning the project to the authority; creates a new section of KRS 154 to require the authority to establish administrative regulations that set forth the standards used to preliminary and final approval; requires the authority to consult with the secretary of the Tourism Development Cabinet concerning standards used to evaluate applications; allows the authority to grant approval status to projects; allows the authority to hold closed sessions to discuss matters exempt from the open meetings law and pertaining to an eligible company; state that the decision reached by the authority be final; creates a new section of KRS 154 to allow the authority to enter into a contract with an approved company; requires that approved costs be determined through negotiations between the authority and the approved company; creates a new section of KRS 154 to allow an approved company a credit against state sales tax; requires that this credit shall not exceed 10 years; stipulates that the sale tax credit shall be equal to the lesser of the total amount of the sales tax liability or 25% of the approved costs that have not been recovered.

HB 819

AN ACT relating to government finance and bonded debt.

Creates new sections of KRS Chapter 66 relating to the definition of financial terms, the issuance, administration, recall, repayment, and other limitations on public debt incurred by cities, counties urban-counties, charter counties and other taxing districts; amends KRS 66.310, 66.360, 66.370, 66.990, 66.045, 107.460, 262.750, 66.530, 212.450, and 212.637 to conform; amends KRS 65.942 to require the creation of sinking funds for the repayment of tax-supported leases; limits the term of local government debt to the "useful life" of a project; and repeals KRS 66.010, 66.020, 66.030, 66.040, 66.080, 66.090, 66.100, 66.110, 66.120, 66.130, 66.140, 66.150, 66.160, 66.170, 66.210, 66.220, 66.330, 66.340, 66.350, 66.380, 66.390, 82.130, and 91A.090.

HB 847

AN ACT relating to the Department of Corrections and its operations.

Amends KRS 197.025 to specify that Department of Corrections records which have been expunged are not open to the public and are considered closed records under the Open Records Law; amends KRS 17.142, relating to segregation of criminal records, to exempt Department of Corrections records; amends KRS 196.037, relating to peace-officer powers of corrections personnel, to include probation and parole officer having custody of committed prisoners; amends 197.025, relating to inmate access to records, to prohibit hand delivery of request for records; require appealing open record requests denials by inmates to Attorney General prior to court action; amends KRS 440.010, relating to issuance of warrants for escaped inmates, to include inmates, inadvertently released and inmates in jail and private prisons; amends KRS 17.170, relating to DNA testing of sex offenders, to require person or agency requesting test to pay for their own testing when placed on probation; amends KRS 196.070, relating to the duties of the

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commissioner of Corrections, to permit the department to operate a training program and certify instructors; amends KRS 422.317, relating to provisions of free medical records by health facilities, to exempt the Department of Corrections.

HB 872

AN ACT relating to agricultural and small business loans.

Amends KRS 247.944 to attach the Kentucky Agricultural Finance Corporation to the Department of Agriculture for administrative purposes; amends KRS 41.600 to clarify that an agribusiness to be eligible for a linked deposit loan must be located in Kentucky; creates a new section of KRS Chapter 41 to establish a linked deposit investment program for agribusinesses in the Department of Agriculture and a linked deposit investment program in the Cabinet for Economic Development for small businesses; requires the Department of Agriculture and the Cabinet for Economic Development to promulgate administrative regulations setting forth the conditions under which small businesses and agribusinesses are eligible for loans through the Linked Deposit Investment Program; requires the State Investment Commission to accept or reject a linked investment with an eligible lending institution; requires reports to the Governor and to the leadership of the General Assembly; prohibits the minimum rate of interest for a loan to be less than five percent; prohibits the maximum maturity date to exceed five years; prohibits a lending institution from receiving more than 10 percent of the total assets of the linked deposit investment program; requires principal repayments received by the lending institution to be returned annually to the State Investment Commission; amends other sections of KRS Chapters 41 and 42 to conform; repeals KRS 41.605 and 41.625 to conform.

ACTIONS OF THE 1996 GENERAL ASSEMBLY

HOUSE RESOLUTIONS

HCR 2

Directs the Public Service Commission to adopt and enforce regulations to control "slamming," the unauthorized conversion of a customer's long-distance telephone carrier.

HJR 12

Directs the Transportation Cabinet to name the extension of KY 645 in Martin County from the Sheldon Clark High School to the Warfield area the "John B. Callaham Highway"; requires signs renaming the four-lane extension of KY 645 in Martin County the "John B. Callaham Highway" to be erected within 90 days of the completion of the four-lane extension of KY 645.

HCR 14

Confirms the Governor's appointment of Robert T. McCowan to the Kentucky Long-Term Policy Research Center for a term ending October 6, 1999.

HCR 15

Confirms the Governor's appointment of Mary Helen Miller to the Kentucky Long-Term Policy Research Center for a term ending October 6, 1999.

HCR 22

Confirms the appointment of Janice K. Douglass to the Kentucky Long-Term Policy Research Center Board for a term expiring October 6, 1998.

HCR 23

Confirms the Legislative Research Commission appointment of Dr. Paul Cook, Bowling Green, Kentucky, as an at-large member of the Kentucky Long-Term Policy Research Center for a term ending July 13, 1999.

HCR 24

Confirms the appointment of Dr. Betty Griffin, Frankfort, Kentucky, as an at-large member of the Kentucky Long-Term Policy Research Center for a term ending July 13, 1999.

HJR 49

Provides that any mandates, directives, or initiatives in the 1996-98 Judicial Branch Budget Memorandum shall have the force and effect of law.

HJR 50

Provides that any mandates, directives, or initiatives contained in the 1996-98 State/Executive Branch Budget Memorandum shall have the force and effect of law.

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HCR 52

Directs the Interim Joint Committee on the Judiciary to study and make recommendations upon those statutes which contain criminal penalties which have not been the subject of enforcement actions within the past five years and those statutes which have the potential to grant lawmaking authority without appropriate discretionary controls.

HJR 72

Establishes the additional four (4) year highway construction plan which is part of the Six Year Highway Plan.

HCR 76

Directs the Legislative Research Commission to appoint a Task Force on Funding for Wildlife Conservation to study for the Commonwealth the long-term funding needs and options for wildlife in the twenty-first century, and the methods by which these needs can be met; requires the task force to report to the Legislative Research Commission by October 1, 1997.

HJR 80

Directs a study of the health and human service delivery system in the Commonwealth to be conducted by the Cabinet for Human Resources with a report and recommendation in the form of legislative proposals on improvements in the efficiency and economy of the service delivery system to be submitted to the Governor and the Legislative Research Commission by October 1, 1997.

HCR 84

Directs study of training procedures for local building officials, and procedures by which building plans are approved prior to construction, and monitored during construction.

HCR 97

Directs the Interim Joint Committee on Agriculture and Natural Resources to review animal control problems and the current requirements under KRS 258 relating to dogs, and make recommendations to the Legislative Research Commission by October 1, 1997.

ACTIONS OF THE 1996 GENERAL ASSEMBLY

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, Baren, Butler, Edmonson, Metcalfe, Ohio, Simpson, 9

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

BLEVINS, WALTER, JR. (D-West Liberty) 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

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