

# **General Assembly Action Regular Session 2005**

Informational Bulletin No. 217

**Legislative Research Commission**  
Frankfort, Kentucky

**April 2005**



# **GENERAL ASSEMBLY ACTION**

## **Regular Session 2005**

**A Staff Summary of Legislative Enactments**

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## Foreword

The 2005 Regular Session of the General Assembly convened Tuesday, January 4, 2005, and adjourned sine die Monday, March 21, 2005, having met for 29 legislative days. During this session, 741 bills and 408 resolutions were introduced, including 225 Senate bills and 516 House bills.

Of the bills introduced, 66 Senate bills and 93 House bills passed both chambers and were delivered to the Governor. The Governor vetoed one House bill and exercised his line-item veto authority in another House bill. Therefore, a total of 66 Senate bills and 92 House bills became law.

The Governor also received 29 joint and concurrent resolutions.

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

Robert Sherman  
Director

The Capitol  
Frankfort, Kentucky  
April 2005



## Bill Numbers to Acts Chapters

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
SB 2	30	SB 129	103	HB 109	22	HB 323	139
SB 7	178	SB 130	47	HB 113	77	HB 335	140
SB 13	121	SB 133	163	HB 116	153	HB 340	147
SB 16	175	SB 134	35	HB 121	124	HB 345	179
SB 18	131	SB 141	159	HB 128	46	HB 350	106
SB 19	127	SB 142	182	HB 133	165	HB 367	56
SB 23	136	SB 148	63	HB 134	133	HB 381	135
SB 24	66	SB 150	146	HB 139	34	HB 383	137
SB 27	81	SB 156	158	HB 141	71	HB 400	79
SB 29	62	SB 163	58	HB 155	149	HB 424	109
SB 32	8	SB 166	82	HB 161	161	HB 426	50
SB 37	96	SB 172	84	HB 164	32	HB 439	73
SB 38	181	SB 175	174	HB 179	37	HB 440	148
SB 39	98	SB 180	114	HB 183	111	HB 449	156
SB 40	95	SB 184	41	HB 184	162	HB 460	117
SB 41	123	SB 195	102	HB 189	49	HB 461	120
SB 42	9	SB 209	183	HB 196	55	HB 468	115
SB 43	97	SB 217	126	HB 197	52	HB 472	92
SB 47	99	SB 218	107	HB 201	60	HB 494	134
SB 49	85			HB 210	119	HB 495	154
SB 57	40	SJR 85	65	HB 215	19	HB 497	184
SB 63	150	SJR 92	94	HB 217	33	HB 498	112
SB 65	10	SJR 94	64	HB 218	26		
SB 66	11			HB 225	155	HCR 4	89
SB 68	125	HB 4	51	HB 230	54	HCR 5	87
SB 73	142	HB 7	27	HB 233	78	HCR 7	88
SB 74	157	HB 17	28	HB 235	145	HCR 8	1
SB 77	122	HB 18	31	HB 239	29	HCR 9	2
SB 80	83	HB 26	176	HB 241	67	HCR 10	14
SB 85	80	HB 28	167	HB 248	141	HJR 16	13
SB 86	7	HB 29	116	HB 256	72	HCR 33	3
SB 91	128	HB 39	113	HB 260	69	HCR 40	4
SB 93	36	HB 42	48	HB 264	108	HCR 41	5
SB 96	180	HB 46	118	HB 266	91	HCR 42	74
SB 97	101	HB 48	151	HB 267	173	HCR 43	76
SB 100	104	HB 59	93	HB 272	168	HCR 44	75
SB 102	129	HB 60	53	HB 275	143	HCR 45	6
SB 103	23	HB 62	21	HB 278	144	HCR 55	70
SB 105	43	HB 63	152	HB 294	38	HCR 59	16
SB 106	160	HB 67	42	HB 296	138	HCR 60	15
SB 107	61	HB 72	172	HB 298	132	HCR 61	17
SB 111	171	HB 73	20	HB 299	86	HCR 62	18
SB 112	105	HB 77	45	HB 301	110	HCR 86	44
SB 113	12	HB 79	39	HB 304	68	HJR 92	170
SB 115	130	HB 80	24	HB 308	25	HJR 109	90
SB 123	100	HB 88	177	HB 309	166	HCR 121	57
SB 124	59	HB 93	164	HB 316	169		





## Senate Bills

### SB 2

AN ACT relating to health information and declaring an emergency.

Creates various sections of KRS Chapter 216 to define “board,” “electronic health network,” “health care provider,” “HIPAA,” “insurer,” and “Ke-HN”; requires the University of Kentucky and the University of Louisville to jointly establish and operate the Kentucky Health Care Infrastructure Authority; identifies responsibilities of the authority to include conducting research and pilot projects related to health information electronic applications and serving as a forum for the exchange of ideas and consensus building related to the advancement of the health information infrastructure and health care applications; permits the authority to seek federal and private funding; requires the authority to submit an annual report to the Governor, secretary of the Cabinet for Health Services, Legislative Research Commission, Interim Joint Committee on Health and Welfare, and Interim Joint Committee on Banking and Insurance; creates the Kentucky e-Health Network Board to oversee the development, implementation, and operation of a statewide electronic health network of voluntary participants using federal and voluntarily contributed funds; attaches the network to the Cabinet for Health Services for administrative purposes; establishes the membership of the board and various committees; requires the board to appoint an advisory group to ensure input into implementation of the network; authorizes the Governor to restructure the Telehealth Board under the Cabinet for Health Services and to restructure the Telehealth Board as a Telehealth Committee of the Ke-HN Board subject to confirmation of the Kentucky General Assembly under KRS 12.028; requires the board to consider various models for an electronic health network, including a model with the capability to integrate with an electronic Medicaid management information system and support public health alerts; requires the board to submit the model to be implemented to the Legislative Research Commission; requires any network transactions to comply with the federal Health Insurance Portability and Accountability Act; requires the board to oversee the development of a network of providers and payors and to adopt standards for computer systems communicating with the network; requires that geographical locations that are critical to homeland security and protection of energy production be given priority in phasing in the network; authorizes the board to promulgate administrative regulations; requires an annual report to the Governor, Cabinet for Health Services, Office for the New Economy, Interim Joint Committee on Health and Welfare, and the Interim Joint Committee on Banking and Insurance; establishes a “Ke-HN fund”; amends KRS 45A.605 to permit the network to use the “information highway” for transactions but not limit the network to the use of the highway to implement its communications; and delays the appointment of board members until funds are available for administrative costs of the board; EMERGENCY.

### SB 7

AN ACT relating to the closure of schools for elections.

Amends KRS 158.070 to include the day of primary elections as a day in which schools are closed.

**SB 13**

AN ACT relating to levy and recall of taxes.

Amends KRS 132.017 to set forth the information that must be included on a petition and to add notification procedures and timelines for determination of the validity of the petition; provides that each sheet of the petition must include names of voters from one precinct and provides that an invalid signature on the page shall not result in the disqualification of the entire page but shall instead result in the striking of the invalid signature only; provides for the advertisement of the filing of the petition if the petitioners pay for the advertisement at the time the petition is filed; establishes a time frame within which a county clerk's certification may be challenged; amends KRS 132.100 to provide that each sheet of the petition must include names of voters from one precinct and to provide that an invalid signature on the page shall not result in the disqualification of the entire page but shall instead result in the striking of the invalid signature only; sets forth the requirements for a petition; amends KRS 160.485 to clarify language and to set forth the information that must be included on a petition; provides that each sheet of the petition must include names of voters from one precinct and that an invalid signature on the page shall not result in the disqualification of the entire page but shall instead result in the striking of the invalid signature only; changes the time in which a petition must be filed from 30 to 45 days; provides for advertisement of the filing of the petition if the petitioners pay for the advertisement at the time the petition is filed; establishes a time frame within which a county clerk's certification may be challenged; adds notification procedures and timelines for the determination of the validity of the petition; amends KRS 160.597 to clarify language and to set forth the information that must be included on a petition; provides that each sheet of the petition must include names of voters from one precinct and that an invalid signature on the page shall not result in the disqualification of the entire page but shall instead result in the striking of the invalid signature only; changes the time in which a petition must be filed from 30 days to 45 days; provides for the advertisement of the filing of the petition if the petitioners pay for the advertisement at the time the petition is filed; establishes a time frame within which a county clerk's certification may be challenged; adds notification procedures and timelines for the determination of the validity of the petition; amends KRS 132.018 to conform; and provides that the Act shall apply to orders, ordinances, resolutions, or motions passed after July 15, 2005.

**SB 16**

AN ACT relating to adoption.

Amends KRS 199.470 to expand the list of circumstances where adoption approval by the secretary of the Cabinet for Families and Children is not necessary to include a child sought to be adopted by a great-grandparent, great-aunt, or great-uncle (subject to a possible court-ordered investigation by the cabinet and a background check), or a child adopted under appropriate decree in a foreign country; amends KRS 199.473 to require that a home study of a proposed adoptive home be conducted prior to approval of the application for adoption; requires the home study to be conducted in accordance with administrative regulations; requires the cabinet to conduct the home study for an applicant with an income equal to or less than 250% of the federal poverty level unless the applicant requests the study to be performed by a child-placing agency; requires the

cabinet to provide information on licensed child-placing agencies to applicants whose income is more than 250% of the poverty level; requires a petition for temporary custody and a notice of intent to adopt to be filed with the court when temporary custody is sought prior to the secretary's ruling on an application for adoption; requires notice to the cabinet; requires a hearing on the petition within 72 hours; requires records to be incorporated into the adoption file; requires a hearing on the status and custody of the child if the adoption is not finalized within 6 months of the hearing on temporary custody; prohibits temporary custody prior to the secretary's ruling on the adoption application until the court has reviewed a criminal records check on the applicant and requires the background to be part of the adoptive home study; requires the cabinet to petition the court for review when a child is placed in a home without the court's review of the background check or without permission of the cabinet secretary; increases the adoption application fee paid to the cabinet from \$150 to \$200; amends KRS 199.555 to conform; creates a new section of KRS Chapter 199 to require the secretary of the Cabinet for Families and Children to recognize a final adoption decree from a foreign country and issue a notice that the adoption is registered in the Commonwealth; permits the secretary to require a translated copy of the foreign adoption decree if necessary; requires the cabinet to maintain all records and notices of foreign adoptions; and requires adoption under Kentucky law for a child born outside the United States if there is no final foreign decree or order, or for a child born outside the United States who does not qualify for citizenship upon entry into the United States.

**SB 18**

AN ACT relating to death certificates.

Amends KRS 213.076 to provide that, if a cause of death is unknown or pending investigation, the death certificate may be filed with an "unknown" or "pending investigation" notation on the cause of death; and provides that results of pending tests or investigation shall be filed at a later time with the Department for Public Health with a supplemental report.

**SB 19**

AN ACT relating to reading, making an appropriation therefor, and declaring an emergency.

Establishes a new section of KRS Chapter 158 to describe the General Assembly's findings and intent regarding reading; amends KRS 158.792 to define reading terms; establishes the Reading Diagnostic and Intervention program to help teachers improve the reading skills of students in the primary program; requires the Kentucky Board of Education to promulgate administrative regulations; identifies the guiding principles for all grant recipients; requires the Kentucky Department of Education to make annual reports of the use of grants and in odd-numbered years to estimate the cost of expanding the program; amends KRS 158.794 to rename the Early Reading Incentive Grant Steering Committee to the Reading Diagnostic and Intervention Grant Steering Committee; revises the steering committee membership and expands the responsibilities of the steering committee; amends KRS 164.0207 to modify the role of the Collaborative Center for Literacy Development; specifies the Collaborative Center's role relating to research; amends KRS 154A.130 to align with other provisions; and

provides that the bill shall be cited as the “Read to Achieve Act of 2005”; EMERGENCY.

**SB 23**

AN ACT relating to drugs.

Creates various new sections of KRS 194A to define “controlled substance,” “dispense,” “health care provider,” “health facility,” “legend drug,” “pharmacist,” and “prescription drug”; creates a legend drug repository program to support the donation of a drug, excluding a controlled substance, or supplies needed to administer a drug for use by individuals who meet the eligibility criteria established by the Cabinet for Health Services; authorizes eligible health facilities to accept the donations; specifies the safety requirements that donations must meet; prohibits the resale of donated drugs and supplies necessary to administer drugs; requires that donated drugs be ordered by a physician, advanced registered nurse practitioner, or physician assistant prior to dispensing by a pharmacist; requires a pharmacist to inspect the donations prior to dispensing; requires the cabinet to promulgate administrative regulations to implement the program; establishes standards for prioritizing the dispensations to individuals who are uninsured or indigent, or to others if an uninsured or indigent individual is unavailable; extends immunity from civil and criminal liability to drug manufacturers for drugs that are donated to the program unless the drug manufacturer exercises bad faith or fails to provide ordinary care; extends similar immunity from civil liability to participating health facilities, pharmacies, and health care providers; prohibits disciplinary action for unprofessional conduct from being taken against participating health facilities, pharmacies, and health care providers for acts or omissions relating to donating, accepting, distributing, or dispensing a drug, unless the act or omission involves reckless, wanton, or intentional misconduct, or the failure to provide ordinary care to persons receiving drugs in the program; creates new sections of KRS 205.510 to 205.645 to define “asset test,” “commissioner,” “contractor,” “department,” “enrollee,” “federal poverty guidelines,” “liquid assets,” “Medicaid dual eligible,” “Medicare Modernization Act,” “Medicare Part D prescription drug benefit,” “participating pharmacy,” “prescription drug plan,” “program,” and “resident”; creates the Kentucky Pharmaceutical Assistance Program within the Department for Medicaid Services contingent upon approval from the federal Centers for Medicare and Medicaid Services to coordinate prescription drug coverage with the prescription drug benefit under the Medicare Modernization Act; establishes eligibility guidelines for participants to include persons who are 65 or older, are disabled and enrolled in Medicare, have a household income at or below 150% of poverty level, meet the asset test, do not have other prescription drug coverage, and are not a member of a retirement plan with a drug benefit under the Medicare Modernization Act; establishes enrollment priority to include Medicaid dual eligibles first, and then applicants with household incomes up to 150% of the federal poverty guidelines; sets the enrollment process for dual eligibles to take effect by October 1, 2005; allows persons to opt out; provides for administration of the program, which may be done by contract; requires the department to prescribe the application and enrollment process, allows the department to determine drugs to be covered by the plan, and allows the department to negotiate with manufacturers for rebates; provides for benefits to begin by January 1, 2006; limits benefits to the amount

of appropriations, with the program as a payor of last resort; clarifies that a resident must have lived in the state for at least 90 days prior to receipt of the application by the department; and requires the department to create standards for documenting proof of residence.

**SB 24**

AN ACT relating to newborn screening.

Amends KRS 214.155 to require the Cabinet for Health Services to operate a newborn screening program that includes screening tests and definitive diagnostic evaluations for positive tests; requires administrative regulations on the manner of testing, recording, and reporting of screening tests, and fees for the screening program; specifies the medical conditions to be included in a screening test; requires information to be provided to a parent about the screening tests and requires an institution or health care provider to arrange for appropriate follow-up; requires information about conditions not included in the screening tests to be provided to a parent and specifies that the parent is responsible for costs associated with additional screening tests; defines “qualified laboratory”; requires the cabinet to contract with a qualified laboratory if the cabinet is unable to screen for the specified conditions; permits the cabinet to contract with qualified laboratories for conditions not listed; specifies that cabinet contracts for unspecified conditions do not preclude other institutions or providers from utilizing other qualified laboratories for additional tests; permits the cabinet to solicit and accept private funds to expand, improve, or evaluate the newborn screening program; and provides that the Act shall be known as the James William Lazzaro and Madison Leigh Heflin Newborn Screening Act; EMERGENCY.

**SB 27**

AN ACT relating to repossession of collateral by secured parties.

Amends KRS 329A.070 to exempt from licensing requirements of private investigators any secured party, or person acting on behalf of the secured party, engaged in repossession of the creditor’s collateral pursuant to KRS 355.9-609.

**SB 29**

AN ACT relating to social work.

Amends KRS 335.080 to permit licensure as a “certified social worker” to an applicant who has not failed to pass a board examination within the previous 3, rather than 6, months; amends KRS 335.090 to permit licensure as a “licensed social worker” to an applicant who has not failed to pass a board examination within the previous 3, rather than 6, months; and amends KRS 335.100 to permit licensure as a “licensed clinical social worker” to an applicant who has not failed to pass a board examination within the previous 3, rather than 6, months.

**SB 32**

AN ACT changing the classification of the City of Warsaw, in Gallatin County.

Reclassifies the City of Warsaw, in Gallatin County, population 3,000, from a city of the fifth class to a city of the fourth class.



**SB 37**

AN ACT relating to reorganization.

Creates new sections of KRS Chapter 171 to establish the Abraham Lincoln Bicentennial Commission; provides for appointment of members; sets expiration date of commission; and confirms Executive Order 2004-616.

**SB 38**

AN ACT relating to reorganization.

Amends various sections of KRS Chapters 12, 154, and 164 to rename and reorganize agencies under the Kentucky Economic Development Partnership; amends KRS 12.020 to rename the Department of Administration and Support the Office of Administration and Support, the Department for Business Development the Department for New Business Development, and the Department of Community Development the Department for Existing Business Development; creates within the Cabinet for Economic Development an Office of Legal Services, an Office of Research and Information Technology, and a Department of Innovation and Commercialization for a Knowledge Based Economy; amends KRS 154.12-223 to abolish the Division of Business and Entrepreneurship Development and to rename the Small and Minority Business Division the Small Business Services Division; clarifies the responsibilities and structure of the Division of Small Business Services; amends KRS 154.12-222 to rename the Department of Administration and Support the Office of Administration and Support and to attach it to the Office of the Secretary; creates under the office a Division of Finance and Personnel with a Fiscal Management Branch and a Personnel and Payroll Branch to replace the Division of Administrative Services; abolishes the Office of Information Resources and the Division of Research, whose functions are transferred to the new Office of Research and Information Technology; amends KRS 154.12-278 to rename and restructure the Office for the New Economy as the Department of Innovation and Commercialization for a Knowledge Based Economy; amends KRS 154.12-214, 154.12-215, 154.12-216, 154.12-218, 154.12-2333, 154.12-225, 154.12-300, 154.12-305, 154.20-254, 164.6015, and 164.6017 to conform; and confirms Resolution 04-01 of the Kentucky Economic Development Partnership Board.

**SB 39**

AN ACT relating to reorganization

Amends KRS 12.020 and 174.020 to define the major organizational units in the Transportation Cabinet; amends KRS 174.016, 174.025, 174.040, 177.020, 177.330, 177.340, 177.350, 177.360, and 179.400 to conform; and confirms Executive Orders 2004-724, 2004-960, 2004-1052, 2004-1202, and 2004-1360.

**SB 40**

An Act relating to reorganization.

Amends various sections of the Kentucky Revised Statutes to abolish the Tourism Development Cabinet and create the Commerce Cabinet; creates within the Commerce Cabinet the Office of Finance and Administration, Office of Legal Affairs, Office of Intergovernmental Affairs, Office of Human Resources, Office of Public Affairs and Constituent Services, Office of Communications, and the Office of Information

Technology; transfers the Department of Travel, Department of Parks, Department of Fish and Wildlife Resources, Kentucky Horse Park Commission, State Fair Board, Office of Administrative Services, and the Tourism Development Finance Authority from the Tourism Development Cabinet to the Commerce Cabinet; transfers the Division of Energy to the Commerce Cabinet; lists the internal divisions within the Department of Parks; abolishes the State Parks Commission; transfers the Kentucky Appalachian Commission to the Department of Local Government from the Office of the Governor; transfers the Kentucky Arts Council, the Kentucky Historical Society, the Kentucky Center for the Arts, the Kentucky Craft Marketing Program, the Governor's School for the Arts, the Kentucky African-American Heritage Commission, and the Kentucky Heritage Council from the Education, Arts, and Humanities Cabinet to the Commerce Cabinet; amends various sections of the Kentucky Revised Statutes to rename and reorganize agencies under the Kentucky Economic Development Partnership and the Office of the Governor; amends to restructure and reorganize the Commission on Small Business Advocacy; amends to require the Commissioner of Economic Development be appointed by the Governor; amends to establish the Office of Energy Policy within the Commerce Cabinet; repeals KRS 148.815, 148.820, and 148.825; and confirms Executive Order 2004-729 to the extent that it is not otherwise confirmed by this Act.

**SB 41**

AN ACT relating to reorganization.

Creates and amends various sections within the Kentucky Revised Statutes to establish the Environmental and Public Protection Cabinet; combines within the cabinet and the agencies the programs relating to natural resources, environment, labor, and public protection; directs the consolidation of support offices for the programs within the cabinet; transfers the Division of Energy to the Tourism Development Cabinet; attaches the Division of Administrative Services to the office of the commissioner in the Department of Labor; attaches the Office of Workers' Claims administratively to the Department of Labor; attaches the Kentucky Occupational Safety and Health Commission administratively to the office of the secretary; provides that the executive director of the Office of Insurance shall be appointed by the Governor subject to confirmation by the Senate; provides that the executive director may be reappointed; exempts complaints and hearings associated with the Underground Petroleum Storage Tank Fund Program from KRS 13B.020; amends KRS 224.10-020 to require the director of the Division of Conservation to be appointed in accordance with KRS 146.100; amends KRS Chapter 351 to include the executive director of the Office of Mine Safety and Licensing; authorizes the secretary, rather than the commissioner, of Natural Resources to have authority to promulgate regulations under KRS Chapter 351; authorizes the secretary to appoint a deputy to sign all final orders of the cabinet; repeals 224.10-030, 224.10-055, 224.10-060, and 351.051; makes technical corrections; and confirms Executive Order 2004-731, dated July 9, 2004.

**SB 42**

AN ACT relating to reorganization.

Establishes the Office of Minority Empowerment in the Office of the Governor.

**SB 43**

AN ACT relating to reorganization.

Confirms Executive Order 2004-832, dated August 3, 2004, as amended by Executive Order 2004-903, dated August 17, 2004, to reorganize the Personnel Cabinet; and establishes and sets duties of offices and departments of the cabinet.

**SB 47**

AN ACT relating to reorganization.

Amends various sections of the Kentucky Revised Statutes to merge the Cabinet for Health Services and Cabinet for Families and Children into the newly created Cabinet for Health and Family Services, to change the Office of Aging Services to the Division of Aging Services, to change the Office of Women's Physical and Mental Health to the Division of Women's Physical and Mental Health, to change the Office of Family Resource and Youth Services Centers to the Division of Family Resource and Youth Services Centers, and to change the Office of Child Abuse and Domestic Violence Services to the Division of Child Abuse and Domestic Violence Services; creates the Office of Legislative and Public Affairs, Department for Human Support Services, Office of Human Resource Management, Office of Fiscal Services, and Office of Contract Oversight; amends KRS 11.065 to make the secretary of the Cabinet for Health and Family Services a member of the Governor's Executive Cabinet; amends KRS 11.182 to reduce the membership of the Kentucky Appalachian Development Commission from 48 to 47 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; amends KRS 11.515 to reduce the membership of the Geographic Advisory Council from 26 to 25 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; amends KRS 12.020 to delete the organizational structure of the Cabinet for Families and Children and Cabinet for Health Services and add the structure of the Cabinet for Health and Family Services by inserting the newly created Office of Legislative and Public Affairs, Office of Legal Services, Department for Human Support Services, Office of Human Resource Management, Office of Fiscal Services, and Office of Contract Oversight; amends KRS 12.330 to reduce the membership of the KY-ASAP Board from 18 to 17 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; repeals and reenacts KRS 12.350 as a new section of KRS Chapter 194A; amends to move the Office of Child Abuse and Domestic Violence Services from the Office of the Governor to the Cabinet for Health and Family Services as a newly created division; amends KRS 62.160 to require bonding of the secretary of the Cabinet for Health and Family Services; amends KRS 142.301 and 142.307 to insert the Cabinet for Health and Family Services and include reference to the Centers for Medicare and Medicaid Services in addition to the Health Care Financing Administration; amends KRS 154.12-203 to reduce the voting membership of the Kentucky Commission on Military Affairs from 25 to 24 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; amends KRS 163.506 to reduce the membership of the Commission on Deaf and Hard of Hearing from 15 to 14 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for



Health and Family Services; amends KRS 194A.010 to set forth the functions of the Cabinet for Health and Family Services; amends KRS 194A.030 to update the organizational structure of the Cabinet for Health and Family Services; amends KRS 194A.050 to provide for permissive action of the advisory council; amends KRS 194A.505 to update prohibited activities to include those relating to food stamp programs; repeals and reenacts KRS 194B.100, 194B.102, 194B.360, 194B.370, 194B.530, 194B.535, 194B.570, 194B.572, 194B.575, and 194B.578 as new sections of KRS Chapter 194A; amends KRS 198A.035 to add the secretary of the Cabinet for Health and Family Services as a member of the Kentucky Housing Corporation and to delete the reference to the secretaries of Health Services and Families and Children; amends KRS 200.700 to reduce the membership of the Early Childhood Development Authority from 17 to 16 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; amends KRS 210.502 to reduce the membership of the Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Substance Abuse Disorders, and Dual Diagnoses from 27 to 26 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; amends KRS 210.575 to reduce the membership of the Commission on Services and Supports for Individuals with Mental Retardation and Developmental Disorders from 25 to 24 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; amends KRS 309.308 to reduce the membership of the Board of Interpreters for Deaf and Hard of Hearing Policy Committee from 11 to 10 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; amends KRS 403.700 to reduce the membership of the Council on Domestic Violence and Sexual Assault from 37 to 36 by deleting the secretaries for Health Services and Families and Children as members and adding the secretary for Health and Family Services; makes conforming amendments; repeals 194B.005, 194B.010, 194B.025, 194B.030, 194B.040, 194B.050, 194B.060, 194B.070, 194B.080, 194B.090, 194B.110, 194B.130, 194B.140, 194B.150, 194B.160, 194B.170, 194B.190, 194B.200, 194B.500, 194B.505, 194B.510, 194B.515, 194B.990; and confirms Executive Order 2004-444 and Executive Order 2004-726.

#### **SB 49**

AN ACT relating to the executive branch of state government.

Amends KRS 12.020, 12.023, and 12.250 to set forth the organization of the Finance and Administration Cabinet; abolishes the Revenue Cabinet and creates the Department of Revenue within the Finance and Administration Cabinet; changes the name of the Governor's Office for Technology to the Commonwealth Office of Technology and transfers it from the Office of the Governor to the Finance and Administration Cabinet; transfers the Teachers' Retirement System Board of Trustees from the Education, Arts, and Humanities Cabinet to the Finance and Administration Cabinet; amends KRS 42.014 to establish the major divisions of the cabinet; amends KRS 42.013 and 42.017 and creates a new KRS section to establish the organization of the Office of the Secretary and the Office of General Counsel; amends KRS 42.023 and 42.025 to establish the organization of the Office of Administrative Services; amends

KRS 42.0201, 42.024, 42.065, 42.0245, 42.400, and 42.410 to establish the organization of the Office of the Controller; amends KRS 42.410 to include the Asset Liability Commission as an agency for which the Finance and Administration Cabinet provides staff assistance; requires the Office of Financial Management to review state appropriation-supported bond issues as market conditions warrant, rather than every 6 months; amends KRS 42.027 to establish the organizational structure of the Department for Facilities and Support Services; amends KRS 131.010 and 131.071 to establish the organization of the Department of Revenue and to set forth the duties of the organizational units; amends KRS 131.190 to clarify certain provisions relating to confidential tax information in the possession of the Department of Revenue; amends KRS 11.501, 11.505, and 11.511 to establish the organization of the Commonwealth Office of Technology and change the head of that office from the chief information officer of the Commonwealth to the executive director; amends KRS 11.505 to require the executive director of the Office of the 911 Coordinator to be appointed by the Governor, subject to confirmation by the Senate; amends KRS 45A.185 to require bidder security for all competitive sealed bidding for construction contracts when the price is estimated by the Commonwealth to exceed \$40,000, rather than \$25,000; creates a new section of KRS 45A.185 to 45A.190 to prohibit use of reverse auction process for architectural or engineering services, underwriter, bond counsel, financial advisors, certain contracts for construction that are required to be bonded, and those projects which would require the preparation of stamped drawings; amends KRS 45A.190 to require performance and payment bonds for construction contracts in excess of \$40,000, rather than in excess of \$25,000; amends various sections in KRS Chapters 7B, 11, 15-17, 18A, 29A, 40-45A, 47-48, 56, 61-62, 65, 68, 75-76, 91, 96, 96A, 99, 131-144, 147A-149, 151, 153-154, 156-157, 160, 164-164A, 171, 175, 179, 186-186A, 190, 194B, 197, 198A, 205, 209, 211, 218A, 224, 229, 230, 234, 241, 243, 247-248, 262, 271B, 273, 275, 278, 281, 287, 299, 304, 342, 351, 353, 365, 369, 387, 424, 438, and 514 to replace references to the Revenue Cabinet with either the Finance and Administration Cabinet or the Department of Revenue and to replace references to the secretary of the Revenue Cabinet with either the secretary of the Finance and Administration Cabinet or the commissioner of the Department of Revenue; provides direction to the reviser of statutes; confirms the Governor's Reorganization Executive Order 2004-723, dated July 9, 2004, relating to the organization of the Finance and Administration Cabinet, the abolishing of the Revenue Cabinet, and changing the name and transferring the Commonwealth Office of Technology to the Finance and Administration Cabinet to the extent it is not already confirmed or superseded by SB 49.

**SB 57**

AN ACT relating to eggs.

Amends KRS 260.540 to define "distributor," "withdraw from sale order," and "stop order"; amends KRS 260.550 to authorize inspectors of the Department of Agriculture to issue a stop order to a person selling shell eggs or egg products if the person does not have a license, has not paid fines owed to the department, or has improperly labeled the eggs; authorizes inspectors from the Department of Agriculture to issue a withdraw from sale order if the eggs are above 45 degrees Fahrenheit for 4 hours or more or are unfit for human consumption; amends KRS 260.570 to establish meeting

requirements for the Egg Marketing Board; amends KRS 260.600 to clarify parameters under which a license will be renewed; increases various egg handling fees; specifies at what point fees are to be paid; amends KRS 260.640 to establish reasons to issue a withdraw from sale order; and amends KRS 260.990 to establish penalties for a person violating a stop order and for a person violating a withdraw from sale order.

**SB 63**

AN ACT relating to drugs.

Creates a new section of KRS Chapter 218A, relating to controlled substances, to prohibit distribution of dietary supplements containing ephedrine group alkaloids except by prescription; creates new sections of KRS Chapter 218A to create the offenses of controlled substance endangerment to a child in the first through fourth degrees; creates a new section of KRS Chapter 218A to require drugs containing ephedrine, pseudoephedrine, or phenylpropanolamine to be dispensed by a pharmacist, pharmacy intern, or pharmacy technician and to require a written or electronic record be kept of the transaction; amends KRS 218A.010 relating to controlled substances definitions to conform; creates a new section of KRS Chapter 218A to specify that the use of knowingly, intentionally, wantonly, and recklessly have the same meaning as in KRS Chapter 501; amends KRS 218A.1402 to provide the same penalty for one who attempts, solicits, or facilitates a controlled substances offense as for the underlying offense; amends KRS 218A.1432, relating to manufacturing methamphetamines, to require two chemicals or two of the items of equipment necessary for the manufacture of the drug for conviction of the offense; amends KRS 218A.1437, relating to possession of pseudoephedrine medication, to reduce the amount which can be possessed from 24 grams to 9 grams and to add a 30-day period for possession; provides a good faith defense to log-keeping error violations; limits purchases of ephedrine to no more than three packages; allows exemption of nonabused preparations of ephedrine; removes references to controlled substances in the manufacturing methamphetamine statute; amends KRS 218A.1438, relating to methamphetamine offenses, to permit filing a civil action against the defendant for cleanup costs, costs of prosecution, and cost of detecting and investigating the offense in addition to or in lieu of criminal penalties; amends KRS 218A.992, relating to possession of a firearm during a drug offense, to be in furtherance of the offense; amends KRS 218A.1431 to conform; creates a new section of KRS Chapter 315 to set Class C felony penalty for illegal operation of an out-of-state pharmacy; provides for Class B felony penalty if a Schedule I drug caused substantial bodily harm; creates a new section of KRS Chapter 315 to exempt common carriers transporting drugs from pharmacy licensing requirements; creates a new section of KRS Chapter 315 to give the Attorney General concurrent jurisdiction for investigation and prosecution of violators of the pharmacy laws; creates a new section of KRS Chapter 315 to provide a procedure for seizure and forfeiture of illegal drug shipments; amends KRS 315.010, relating to definitions for pharmacy chapter, to define as incidental and eliminate from certain regulations pharmacies which fill fewer than 25 prescriptions in a calendar month; amends KRS 315.035, relating to licensing of pharmacies, to include pharmacies out of state which operate by the Internet, facsimile, telephone, mail, or otherwise that fill prescriptions for Kentucky delivery; requires pharmacies that operate solely or primarily through the Internet to meet the qualifications of the National

Association of Boards of Pharmacy as a Verified Internet Pharmacy Practice Site; requires reporting to the Board of Pharmacy; amends KRS 315.0351, relating to out-of-state pharmacies, to include pharmacies out of state which operate by the Internet, facsimile, telephone, mail, or otherwise that fill prescriptions in Kentucky and to require them to meet the National Association of Boards of Pharmacy Verified Internet Pharmacy Practice Site; requires the out-of-state pharmacy to have a Kentucky-licensed pharmacist to ensure compliance with the law; and amends KRS 351.990, relating to penalties for violating pharmacy statutes, to provide an administrative penalty of not more than \$100,000 for operating an illegal out of state pharmacy.

**SB 65**

AN ACT relating to reorganization.

Creates a new section of the Kentucky Revised Statutes to establish the Kentucky Sports Authority; provides for membership, terms of service, and meetings; provides that primary responsibility shall be to recruit, promote, and develop sporting events, facilities, attractions, and programs in the Commonwealth; specifies duties; repeals KRS 11.190, relating to the Governor's Commission on Sports, Physical Activity, and Wellness; transfers duties to the Kentucky Sports Authority; allows statute reviser to make reorganization reference changes as needed; and confirms Executive Order 2005-001.

**SB 66**

AN ACT relating to reorganization.

Amends KRS 42.066 and various sections of KRS Chapter 229 and creates a new section of KRS Chapter 229 to abolish the Kentucky Athletic Commission and establish the Kentucky Boxing and Wrestling Authority; changes existing language to conform; attaches the authority to the Environmental and Public Protection Cabinet for administrative purposes; establishes the authority's membership to consist of five appointees of the Governor including the cabinet secretary, one medical doctor, and one with no financial interest in the industry regulated; provides for one to serve as chair; establishes position, duties, and responsibilities for the Governor-appointed executive director to handle the agency's day-to-day operations; allows licenses approved by, and dates awarded by, the Kentucky Athletic Commission to remain in effect through December 31, 2005; defines the authority's duties and responsibilities regarding programs and incentives to promote tourism and boxing and wrestling athletic contests; and confirms Executive Order 2005-002, dated January 4, 2005.

**SB 68**

AN ACT relating to grain.

Creates a new section of KRS Chapter 251 to allow the department to enter into cooperative or reciprocal agreements with state, federal, or foreign governments in order to satisfy the inspection requirements of the chapter; amends KRS 251.430 to require that a license be renewed by August 1; requires license fees to be deposited in the Kentucky grain insurance fund; increases the license fee structure; amends KRS 251.440 to require an applicant for a license to maintain an asset to liability ratio of 1:1; amends KRS 251.500 to make a license invalid if a licensee fails to remit license fees or pay fines; amends KRS 251.610 to define "seed" and "gross value"; amends KRS 251.640 to assess

producers of grain at a rate of .0025 times the gross value of their marketed grain; increases to \$4 million the minimum amount that can be in the grain insurance fund before assessments are suspended; amends KRS 251.720 to require that a license be renewed by August 1; requires license fees to be deposited in the Kentucky grain insurance fund; increases the license fee structure; requires an applicant for a license to maintain an asset to liability ratio of 1:1; establishes criteria for when a grain dealer's license shall become invalid; amends KRS 251.990 to fine a licensee who does not renew a license within the required time frame; requires all fines and penalties to be deposited into the Kentucky grain insurance fund; amends KRS 251.642 to conform; and makes technical corrections.

**SB 73**

AN ACT relating to malt beverages.

Amends KRS 243.155 and 243.156 to limit malt beverage sales by small and farm wineries to sales for consumption on the premises only; adds procedures to compensate a distributor who is not extended distribution rights to the brewer's or importer's products by a successor brewer or importer; requires that the existing distributor be compensated if the distributor's rights to distribute the product are terminated; requires that arbitration be used if the parties are unable to reach an agreement; establishes timelines for providing notice and reaching decisions; requires that the arbitration award be for monetary damages only and not compel or enjoin conduct; and permits the existing distributor to continue to distribute the product if the successor does not compensate the existing distributor in a timely manner.

**SB 74**

AN ACT relating to charitable gaming.

Increases charitable gaming fee from four-tenths of 1 percent to fifty-three hundredths of 1 percent; and deletes outdated language relating to alternative license fee.

**SB 77**

AN ACT relating to motorcycle safety education and making an appropriation therefor.

Creates new sections of KRS 15A to require the Justice Cabinet to create a motorcycle safety education program and establish program guidelines; permits the Transportation Cabinet to exempt applicants for a motorcycle driver's license from skills testing upon presenting evidence of successful completion of the course; establishes guidelines for approval of program instructors; permits the Justice Cabinet to contract for program services; establishes reasonable enrollment fees and provides meeting facilities and administrative assistance to the Motorcycle Safety Education Commission; creates a motorcycle safety education program fund as a restricted fund and establishes specific fees relating to motorcycle registration and licensing to be deposited into the fund; appropriates the funds into the motorcycle safety education program on a continuing basis; establishes the Motorcycle Safety Education Commission and provides for the membership and responsibilities of the commission; requires the Justice Cabinet to prepare an annual report of the motorcycle safety education program; amends KRS



186.531 to conform; and repeals KRS sections 186.870, 186.875, 186.880, 186.885, 186.890, 186.891, 186.892, 186.893, 186.894, and 186.895; EFFECTIVE JULY 1, 2005.

**SB 80**

AN ACT relating to the military.

Creates a new section of KRS Chapter 2 to designate July 1 of each year as Kentucky Retired Veterans Day; creates the task force on medical and dental care for members of the Kentucky National Guard and Reserve; establishes areas of study; establishes membership of the task force; requires the task force to submit its report to the Legislative Research Commission no later than December 1, 2005; and allows the Legislative Research Commission, in the alternative, to assign task force issues to an interim joint committee or subcommittee.

**SB 85**

AN ACT relating to county law libraries.

Amends KRS 453.060, relating to funding of county law libraries through attorneys fees, to remove the requirement that a jury trial not be involved and to apply the fee statewide and not just in urban counties.

**SB 86**

AN ACT relating to workers' compensation self-insured groups and declaring an emergency.

Creates Subtitle 50 of KRS 304 to establish financial standards and transfer regulatory authority for workers' compensation self-insurance groups to the Department of Insurance; authorizes the commissioner of the Department of Insurance to permit 20 or more employers with common interests or membership in a bona fide trade association, or two or more governmental entities to form self-insurance groups to insure their liability under KRS Chapter 342; authorizes the commissioner to promulgate administrative regulations; requires existing groups to comply with the provisions of Subtitle 50 within 1 year, unless the commissioner permits additional time; provides that the certification of existing groups shall remain in full force and effect until revoked or suspended by the commissioner; exempts groups from other provisions of the insurance code unless specifically provided in Subtitle 50; establishes an application process for proposed groups; prohibits the premium of one member from exceeding 20% of the total estimated premium, except that the premium of one member of a governmental entity group may not exceed 60% of the estimated total premium of the group; requires a first-year minimum premium of \$1 million for the group with a 25% initial deposit; requires the commissioner to base certification on the financial strength of the group and the experience of the administrators; requires trustees, administrators, fiscal agents, and service organizations to provide fidelity bonds; requires the trustees to provide security deposits of not less than \$250,000, 10% of the reserve requirement, or 10% of the annual premium, whichever is greater; requires a group member to pay 25% of its estimated premium prior to beginning of the self-insurance year; requires prior approval of dividend payments and plans; authorizes the trustees to invest surplus funds in approved investments; requires multiple reports annually, including a statement of financial condition; directs the commissioner to conduct a financial examination of each self-

insured group every 4 years; designates the Secretary of State to receive service of legal process for actions against a group; requires appointment of a board of trustees to operate each group; requires a service organization or its employees to be licensed if a license is required; exempts groups from the requirement to appoint agents; requires a member of a group to enter into an indemnity and joint and several liability agreement as a condition of membership; directs that each group be considered an individual employer for purposes of taxation; establishes reasons for nonrenewal, cancellation, or expulsion of a group member; requires a group and each member to pay all workers' compensation benefits owed, including assessments, despite withdrawal, dissolution, or bankruptcy; prohibits an employer from being accepted as a group member unless the employer has a net worth two times its estimated premium or pays the full premium in advance; establishes a method for dissolution of a group; requires each group to establish a conflict of interest policy; requires existing groups to file rates and forms with the commissioner within 1 year; requires each new group to file initial rates and forms with the commissioner for prior approval; provides that subsequent rate and form filings shall be filed in accordance with KRS 304.13-053 and 304.14-120; requires each group to establish payment plans for premiums and assessments; requires each group, unless granted a waiver, to purchase aggregate excess insurance as prescribed in administrative regulations; requires the trustees to purchase specific excess insurance with a limit of at least \$25 million per occurrence; authorizes discounting of reserves under certain conditions; directs disclosure on evidences of coverage that the group is covered by the Self-Insured Group Insurance Guaranty Association and that members will be assessed in the event of insolvency; establishes a mechanism for resolving an impairment or deficiency of a group self-insurance fund; requires the commissioner to place a group into delinquency proceedings in accordance with Subtitle 33 of KRS Chapter 304 for failure to correct a deficiency; establishes a mechanism for suspension or revocation of a certificate of filing, including authorization for the commissioner to impose a \$10,000 fine for certain offenses; authorizes the commissioner to suspend or revoke a certificate of filing without hearing or advance notice if receivership, conservatorship, or rehabilitation proceedings are initiated against a group; requires an annual report on the status of self-insured groups; amends KRS 342.350 and other provisions of KRS Chapter 342 to confirm Executive Order 2004-835; and provides that the provisions of KRS 304.33-020 shall be applicable to workers' compensation self-insured groups retroactively to August 1, 2004; EMERGENCY.

## **SB 91**

AN ACT relating to crimes and punishments.

Amends KRS 508.025, relating to assault in the third degree, to provide that a person is guilty of assault in the third degree when he causes or attempts to cause physical injury to, among others, emergency medical services personnel, organized fire department members, and rescue squad personnel; and names the Act the "Brenda D. Cowan Act."

**SB 93**

AN ACT relating to state emblems.

Creates a new section of KRS Chapter 2 to designate milk as the official drink of Kentucky.

**SB 96**

AN ACT relating to crimes and punishments.

Amends KRS 514.040, relating to theft by deception, to allow notice of dishonor to become effective 7 days after the notice is mailed to the maker of the bad check and to allow notice to be sent by first-class mail if supported by an affidavit of service.

**SB 97**

AN ACT relating to group life insurance.

Amends KRS 304.16-030 to decrease from ten to two the number of employees who must be covered under a group life insurance policy issued to an employer to insure employees of the employer for the benefit of persons other than the employer.

**SB 100**

AN ACT relating to liens.

Amends KRS 376.230 to extend from 30 to 60 days the period during which a lien for labor, materials, or supplies may be filed.

**SB 102**

AN ACT relating to the Kentucky Parole Board and declaring an emergency.

Amends KRS 439.320 to set procedural, quorum, panel, and voting requirements for the Parole Board; amends KRS 439.340 to allow the parole board to set administrative regulations for all matters that come before the board and to allow notices to be sent to Commonwealth's attorneys by fax or e-mail; and amends KRS 439.330 to include reviews of parole applications, in addition to hearings, within the scope of the Parole Board's activities; EMERGENCY.

**SB 103**

AN ACT relating to food establishments.

Creates several new sections of KRS Chapter 411; defines terms; excludes food establishments from civil liability for any claim arising out of weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known conditions allegedly caused by or allegedly likely to result from long-term consumption of food; establishes exceptions to the immunity of food establishments; describes pleading requirements for actions that fall under the exceptions; requires discovery and other proceedings to be stayed when a motion to dismiss is pending unless the court finds that particularized discovery is necessary; applies provisions to claims pending on effective date and all claims filed thereafter, regardless of when the claim arose; and directs that combined sections be known as the "Commonsense Consumption Act."



**SB 105**

AN ACT relating to fees.

Amends KRS 64.090 to increase the fee received by the sheriff for serving process or arresting a person in misdemeanor cases from \$10 to \$30.

**SB 106**

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 510 to prohibit using an electronic communications system to procure a minor or a peace officer posing as a minor to commit certain specified sexual offenses; and prohibits prosecution for the newly created offense and designated inchoate offenses where there was a single course of conduct directed toward a single victim.

**SB 107**

AN ACT relating to the Board of Pharmacy.

Amends various sections of KRS Chapter 315, relating to the Board of Pharmacy, to change licensing and renewal requirements, to alter terms of service on the advisory council, and to change the name of the Impaired Pharmacist Committee to the Pharmacist Recovery Network Committee.

**SB 111**

AN ACT relating to deeds and conveyances.

Amends KRS 382.135 to exempt deeds conveying real property to airport boards from certain filing requirements.

**SB 112**

AN ACT relating to elections and declaring an emergency.

Creates a new section of KRS Chapter 121 to establish procedures to be followed if a vacancy occurs in a slate of candidates before an election; amends KRS 118.255 to remove the requirement for fees to be deposited in the election campaign fund for public financing of gubernatorial elections; amends KRS 121.015, 121.056, 121.120, 121.170, and 121.180 to remove references to restrictions on public campaign contributors and record keeping and other requirements established for public funding of gubernatorial elections and to include a slate of candidates in certain reporting requirements; amends KRS 121.150 to remove the requirement that certain contributions be transferred to the fund for public financing of gubernatorial elections; amends KRS 121.220 to remove requirement for a campaign treasurer for a slate of candidates to comply with certain requirements established regarding public financing of gubernatorial elections; amends KRS 121.990 to remove penalty provisions regarding violation of certain public financing provisions; amends several statutes in KRS Chapter 121 to establish caucus campaign committees that may receive contributions and make expenditures to support or oppose one or more specific candidates or slates of candidates or a committee; amends KRS 154A.160 to remove prohibitions regarding contributions for gubernatorial candidates seeking public financing; amends KRS 154A.990 to conform; and repeals KRS 121A.005, 121A.010, 121A.015, 121A.020, 121A.030, 121A.040, 121A.050,

121A.060, 121A.070, 121A.080, 121A.090, 121A.100, 121A.110, and 121A.990; EMERGENCY.

**SB 113**

AN ACT relating to unemployment insurance.

Amends KRS 341.540, relating to successor employers' unemployment insurance rates, to add definitions for "substantially common," "substantially the same," "trade," "business," "knowingly," "violates," and "attempts to violate"; clarifies that if an employer transfers its trade or business to another employing unit and both are under substantially common ownership, management, or control, the unemployment experience attributable to the transferred trade or business shall also be transferred to the employer to whom the trade or business is transferred; provides for assignment of highest contribution rate for an employing unit that knowingly violates or attempts to violate the successor provision; amends KRS 341.990 to establish a civil fine of not less than \$5,000 for a violation; and directs that proceeds from penalties collected be deposited in the unemployment compensation administration account.

**SB 115**

AN ACT relating to toll roads.

Amends KRS 175.525 to make school district vehicles being operated in an official capacity eligible for a nonpaying toll-road identification card.

**SB 123**

AN ACT relating to administrative regulations.

Amends KRS 13A.010 to amend the definition of "promulgate"; amends KRS 13A.040 to authorize the regulation compilers to make technical changes to an administrative regulation in response to a specific written request from the agency; amends KRS 13A.050 to permit agencies to notify the regulations compiler of errors in the Administrative Register by e-mail, rather than solely in writing; amends KRS 13A.150 to provide that if meetings are required to be held by a specified date and that date is a Saturday, Sunday, or legal holiday, the meeting shall be held by close of business on the next workday; amends KRS 13A.190 to change the effective time of emergency administrative regulations from 170 days from the date of publication to 180 days from the date of filing; requires that the statement of emergency state whether the ordinary administrative regulation is or is not identical to the emergency administrative regulation; amends KRS 13A.220 to specify that the line numbers shall begin with line number 1 on each page; amends KRS 13A.222 to specify that references to physicians shall include osteopaths; amends KRS 13A.2245 to require a clear statement of how a code or uniform standard was changed by an agency; amends KRS 13A.2251 to permit agencies to include optional information in the incorporation by reference section; requires that material incorporated by reference be filed in a binder, be attached to the back of the administrative regulation, or be filed on a CD-ROM or DVD; amends KRS 13A.2255 to delete the requirement for listing the page numbers on which changes were made to material incorporated by reference in the summary; deletes the requirement for filing a dirty copy of the material showing each of the changes that were made; amends KRS 13A.2261 to prohibit the incorporation by reference of federal statutes or

regulations, rather than just federal statutes; amends KRS 13A.240 to require the tiering statement be included as part of the regulatory impact analysis; amends KRS 13A.255 to require the notice sent to organizations to include information about the public comment period; amends KRS 13A.270 to require agencies to accept written comments until the end of the calendar month in which the administrative regulation is published, rather than for 30 days; authorizes agencies to e-mail the proposed administrative regulation to interested parties who have provided an e-mail address and mail the regulatory impact analysis to interested parties who have not provided an e-mail address; provides that if administrative regulation notices are not received by the second workday of a month, the administrative regulation shall be deferred; authorizes agencies to send the required notifications by e-mail to the regulations compiler; amends KRS 13A.280 to require the filing of statements of consideration by the 15<sup>th</sup> day of the month, rather than 15 days after the end of the comment period; provides that if comments are received, the administrative regulation shall be deferred to the following month's meeting; amends KRS 13A.290 to specify the items to be included on the subcommittee's agenda; amends KRS 13A.300 to provide for automatic deferral of administrative regulations upon receipt of a written request from an agency; provides that an administrative regulation shall expire that has not gone into effect within 1 year of the date of publication; amends KRS 13A.310 to authorize the Governor, as well as the promulgating agency, to withdraw a deficient administrative regulation; amends KRS 13A.315 to specify that an administrative regulation shall expire if it is deferred more than 12 months; requires the Governor to notify the regulations compiler if he or she decides a deficient administrative regulation should be withdrawn, rather than having the Governor inform the agency and the agency then informing the regulations compiler; amends KRS 13A.320 to require that all amendments offered by an agency prior to a subcommittee meeting be approved by the agency's head; amends KRS 13A.330 to make technical corrections; amends KRS 13A.335 to establish when an administrative regulation shall no longer be considered deficient and to require a statement to be added to deficient administrative regulations by the regulations compiler; amends KRS 13A.230 to conform; repeals KRS 13A.012, 13A.2264, and 13A.2267; and creates a noncodified section to provide that any administrative regulations that have been deferred 12 or more months as of the Act's effective date shall expire 3 months after the Act's effective date if they continue to be deferred.

**SB 124**

AN ACT relating to the Board of Trustees of the University of Kentucky.

Amends KRS 164.131 to permit one of the ten members of the University of Kentucky Board of Trustees representative of the learned professions to reside outside Kentucky.

**SB 129**

AN ACT relating to donations to sheriffs.

Amends KRS 61.310 to allow sheriffs to accept donations of money and goods to further the public purposes of the office if the sheriff establishes a registry for recording donations; sets out conditions for acceptance; creates a new section of KRS Chapter 521

to state that the offering, application for, or acceptance of donations does not in itself constitute a violation of the provisions of applicable sections of KRS Chapter 521.

**SB 130**

AN ACT relating to life insurance contracts and annuities.

Amends KRS 304.12-030 to define “replacement,” “existing insurer,” “replacing insurer,” “existing life insurance policy or annuity contract,” “financed purchase,” and “direct-response solicitation”; provides that no replacing insurer shall issue a life policy or annuity contract in a replacement transaction to replace an existing policy or contract unless the replacing insurer agrees in writing with the insured that the policy or contract owner has the right to return a life insurance policy or annuity contract within 30 days of delivery of policy or contract; provides that subsection (2) does not apply to group life insurance or group annuities where there is no direct solicitation of individuals by an insurance producer, does not apply to group life insurance and annuities used to fund prearranged funeral contracts, does not apply to policies or contracts used to fund certain plans as specified in paragraph (3)(g), and does not apply where new coverage is provided a) under a life policy or contract and the cost is borne wholly by the insured’s employer or by an association of which the insured is a member, b) immediate annuities purchased with proceeds from an existing contract, and c) structured settlements; exempts policies or contracts used to fund ERISA plans, plans under Sections 402(1), 401(k), 403(b), 414, or 457 of the Internal Revenue Code or a nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor from subsection (2) relating to replacing insurer requirements, except when the plan is funded solely by contributions an employee elects to make from a choice of two or more insurers and there is a direct solicitation of the employee; exempts new coverage under a) a life insurance policy with the cost borne wholly by the insured’s employer or association, b) immediate annuities purchased with proceeds from an existing contract, or c) structured settlements; amends KRS 304.15-315 to provide that to the extent a variable annuity contract provides benefits in accordance with KRS 304.15-390, the contract shall contain provisions to comply with this section and shall not be otherwise subject to this section; provides that after August 1, 2005, any insurer may file a notice of election to apply the provisions of Section 2 on a contract-form by contract-form basis to annuity contracts issued during the period from the date of election through June 30, 2006; provides that in all other instances, insurers shall apply the provisions of Section 2 to annuity contracts issued through June 30, 2006; provides that insurers shall apply the provisions of Section 3 to all annuity contracts issued on or after July 1, 2006; creates a new section of Subtitle 15 of KRS Chapter 304 to be known as the “Standard Nonforfeiture Law for Individual Deferred Annuities of 2005”; requires certain provisions to be in annuity contracts issued on or after July 1, 2006; defines the minimum nonforfeiture amount; specifies the interest rate used in determining minimum nonforfeiture amounts; authorizes the commissioner to promulgate administrative regulations to provide for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit and for other contracts for which the commissioner determines adjustments are justified; provides that as to any paid-up annuity benefit available under a contract, the present value on the date annuity payments are to commence is at least equal to the

minimum nonforfeiture amount on that date; provides for the cash surrender benefits available prior to maturity for contracts which provide cash surrender benefits; provides for the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity for contracts which do not provide cash surrender benefits; provides that after August 1, 2005, any insurer may file with the commissioner a written notice of its election to apply the provisions of Section 2 on a contract-form by contract-form basis to annuity contracts issued from the date of election through June 30, 2006; and requires insurers to apply the provisions of Section 3 to annuity contracts issued on or after July 1, 2006.

**SB 133**

AN ACT relating to guaranteed energy, water, or wastewater savings performance contracting.

Amends KRS 45A.345 of the Kentucky Model Procurement Code to include water, sewer, and metering upgrades in the definition of items appropriate for guaranteed energy savings performance contracting; and adds to definition of “energy conservation measure” the increasing of “billable revenue” and reduction of “direct personnel costs.”

**SB 134**

AN ACT relating to the Governor’s Scholars Program.

Amends KRS 158.796 to authorize Governor’s Scholars Program, Inc. to manage and operate the Governor’s Scholars Program and hire, fire, and manage personnel, including the executive director; transfers the Governor’s Scholars Program from the Education Cabinet to the Governor’s Office for administrative purposes; establishes five board members to be appointed by the Governor; provides that appropriations from the general fund be transferred to Governor’s Scholars Program, Inc. on July 1 of each year to facilitate the operation of the summer program; requires quarterly and annual reports to be sent to the Governor’s Office, the Finance Cabinet, and the Legislative Research Commission; requires an annual financial audit conducted by an independent auditor and a report detailing the operations of the program; and amends KRS 12.020 and 12.023 to conform.

**SB 141**

AN ACT relating to certification of a geologist-in-training.

Amends KRS 322A.010 to add a definition for a “geologist-in-training”; amends KRS 322A.040 to require enrollment by the board for a geologist-in-training; amends KRS 322A.070 to include language to certify an enrolled geologist-in-training; creates a new section of KRS Chapter 322A to establish academic qualifications and testing requirements for a geologist-in-training to receive a certificate; and allows field experience gained as part of a certified geologist-in-training’s academic curriculum to count toward the 5 years of experience required for licensure.



**SB 142**

AN ACT relating to state regulation of individuals and entities and declaring an emergency.

Amends KRS 198B.605, relating to fire sprinkler workers and contractors, amends KRS 227.620, relating to mobile home and recreational vehicle retailers, amends KRS 318.054, relating to master and journeyman plumbers, and amends KRS 234.130, relating to liquefied petroleum gas dealers, to require licensure renewal to occur on the last day of the licensee's or certificate holder's birth month; amends KRS 198B.712 to require that the Kentucky Board of Home Inspectors be listed as a certificate holder on a policy insuring a home inspector; amends KRS 198B.595 to require fire protection sprinkler system designers to have the same liability insurance coverage that fire protection sprinkler contractors have; removes "professional" as a designation for liability insurance coverage; amends KRS 311.878 to extend the deadline to June 30, 2006, for surgical assistants to apply for certification; amends KRS 271B.10-010 to allow an ordinary corporation to amend its articles of incorporation to convert to a nonstock, nonprofit corporation but does not allow a nonprofit corporation to convert to an ordinary corporation; amends KRS 271B.10-060 to indicate that when an ordinary corporation amends its articles of incorporation to convert to a nonstock, nonprofit corporation, the amendment shall be effective upon filing it with the Secretary of State; creates a new section of KRS 273.161-.387 to clarify the attributes, liabilities, and components that a converted corporation shall carry forward into its nonprofit status; creates a new section of KRS Chapter 237 to describe the circumstances under which a retired peace officer may carry a concealed deadly weapon; creates a new section of KRS Chapter 237 to require the Department of State Police to operate a certification program for retired peace officers who desire to carry concealed deadly weapons inside and outside the Commonwealth pursuant to the federal Law Enforcement Officers Safety Act of 2004, PL 108-277; creates a new section of KRS Chapter 237 to require the Justice Cabinet, the Department of Military Affairs, and the Department of Fish and Wildlife Resources to make range facilities available not less than 4 days per year for retired peace officers seeking concealed carry certification; creates a new section of KRS 15.380-.404 to set a minimum firearms marksmanship requirement for all certified peace officers; amends KRS 237.110, relating to concealed deadly weapon licenses, to modify elements of training and licensing, including changes that (1) describe license renewal procedures, (2) specify when a person with a concealed deadly weapon license may carry a weapon into a detention facility, (3) increase from 30 to 45 days the time for a student to return a class information form, and (4) specify that the State Police shall revoke the license of a person found by the Department of Criminal Justice Training to have received no training or to have received insufficient training; amends KRS 237.115, relating to concealed deadly weapon licenses, to allow certain exemptions from the right of postsecondary education facilities and local governments to prohibit carrying a concealed deadly weapon on specified property; amends KRS 527.020, relating to carrying concealed deadly weapons, to specify when a person may carry a weapon into a detention facility; clarifies that the term "detention facility" does not include courtrooms or other facilities used by the Court of Justice or administered by the Administrative Office of the Courts; and declares an EMERGENCY for the concealed carry license provisions due to the licensing delays and

expirations affecting both the Department of State Police and the retired peace officer licensees.

**SB 148**

AN ACT relating to the official theatre pipe organ of Kentucky.

Creates a new section of KRS Chapter 2 to designate the Kentucky Theatre's Mighty Wurlitzer Theatre Pipe Organ located in Lexington as the official theatre pipe organ of Kentucky.

**SB 150**

AN ACT relating to financing public project.

Amends KRS 58.180 to allow bonding for electric facilities constructed or maintained to provide service solely for customers of the municipal utility.

**SB 156**

AN ACT relating to economic development for small business.

Creates new sections of subchapter 12 of KRS Chapter 154 to allow the Kentucky Economic Development Finance Authority (KEDFA) to develop a small business loan program and provide loans to small businesses engaged in manufacturing, agribusiness, or service and technology; allows KEDFA to establish terms and conditions less stringent than industry standards; requires at least one new job per loan; and amends KRS 154.12-216 and 154.12-223 to specify duties of the Division of Small Business, including providing technical resources to facilitate sales transactions between Kentucky businesses.

**SB 163**

AN ACT relating to viatical settlements.

Creates a new section of Subtitle 15 of KRS Chapter 304 to provide that nothing in this Act preempts the provisions of the Securities Act of Kentucky; amends KRS 292.310 to define "viatical settlement investment"; amends KRS 304.9-150 to require a licensee that is a business entity to notify the commissioner of all changes of members, directors, officers, and other individuals within 30 days of the change; amends KRS 304.9-170 to exempt a licensed insurance agent operating as a viatical settlement broker pursuant to this Act from the prelicensing education or examination requirement; amends KRS 304.9-440 to conform and to expand the basis for the commissioner to probate, suspend, impose conditions upon, or revoke or refuse to renew any license and requires the commissioner to comply with KRS Chapter 13B when taking any action involving a license; amends KRS 304.15-020 to define "business of viatical settlements," "chronically ill," "financing entity," "fraudulent viatical settlement act," "viatical settlement contract," "viatical settlement provider," "viator," "viaticated policy," "related provider trust," "special purpose entity," and "terminally ill," and deletes the definitions of "independent third party trustee" and "viatical settlement purchaser"; amends KRS 304.115-700 to require licensure of viatical settlement providers and viatical settlement brokers by the Department of Insurance; exempts an insurance agent with a life line of authority pursuant to specified requirements; exempts a licensed attorney, certified public accountant, or financial planner accredited by a nationally recognized accreditation

agency; amends KRS 304.15-705 to require specified record retention of all transactions of viatical settlement contracts; amends KRS 304.15-710 to require that upon application a viator receive a copy of the department's consumer guide relating to viatical settlements from the provider or broker and that the viator be advised that the proceeds may be taxable under federal or state tax law, may be subject to claims of creditors, and may affect other rights or benefits; requires that funds be sent to the viator within 3 business days after the provider receives the insurer's acknowledgment of the policy; requires specified disclosures to the viator; deletes subsections (6), (7), (8) and (9); amends KRS 304.5-715 to establish rules governing the relationship between the policyowner, the insurer, and the viatical settlement licensees; requires a document releasing the insured's medical records to the provider agent or broker or the insurance company if the policy was issued less than 2 years before application; requires the insurer to respond within 30 days to a request for verification of coverage; requires the provider to obtain a witnessed document from the viator giving consent to the contract stating that the viator has a full understanding of the contract and has acted freely and voluntarily prior to execution of the contract, and if the viator is terminally or chronically ill that the condition was diagnosed after the policy was issued; provides that the contract shall contain an unconditional right to rescind within the lesser of 30 days of execution of the contract or within 15 days of receipt of the proceeds, with the repayment of all proceeds, premiums, loans, and loan interest to the provider and that if the viator dies during the rescission period the contract shall be deemed rescinded and that funds will be sent to the viator within 2 business days upon acknowledgment of transfer from the insurer; provides that failure to tender consideration to the viator shall render the contract voidable, rather than void; provides limitations on contacts with the insured to determine the health status of the insured; deletes subsection (6), (7) and (8); amends KRS 304.15-716 to provide that it is a violation of subtitle 15 of KRS Chapter 304 for a person to enter into a viatical settlement contract within a 2-year period after issuance of a policy unless specified conditions are met and accompanied by independent evidence; requires submission of the evidence to the insurer which shall establish that the viatical settlement contract meets the requirements of this section; requires the insurer to respond in a timely manner; deletes conflicting provisions; amends KRS 304.15-717 to provide that it is unlawful to intentionally enter into a viatical settlement contract by means of a false, deceptive, or misleading application for the life insurance policy, to knowingly or intentionally interfere with enforcement of the provisions of this subtitle, to knowingly or intentionally permit a person convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements, or to commit a fraudulent viatical settlement act as defined in Section 6 of this Act; requires a statement in each viatical settlement contract and application that providing false information on the said documents is a crime; requires a person engaged in the business of viatical settlements who knows of a fraudulent act involving a viatical settlement act to notify the commissioner and prohibits civil liability for such notification; provides that evidence submitted to the commissioner relating to fraudulent acts are privileged and confidential; provides that this subsection does not apply to statements made with actual malice; provides that this section does not preempt the authority of other law enforcement or regulatory agencies to investigate suspected fraud involving viatical settlement contracts nor does this subsection abrogate or modify common law or statutory privileges or



immunities; provides that documents and evidence provided to the commissioner are privileged and confidential; requires viatical settlement providers to adopt specified antifraud initiatives; amends KRS 304.15-718 to establish the procedure for executing and funding a viatical settlement contract, including the requirement that a viatical settlement provider instruct the viator to send the executed documents involving the ownership, assignment, or change in beneficiary to the escrow agent; provides instructions for the provider if the viator fails to comply; requires deposit of the proceeds into an escrow or trust account insured by the FDIC; provides that the escrow agent pay the proceeds to the viator upon proper completion of the process; deletes conflicting provisions; amends KRS 304.15-720 to authorize the commissioner to establish standards for viatical settlement contracts if the viator is terminally or chronically ill and to adopt rules governing the relationship between the parties to a viatical settlement contract; and amends KRS 304.99-020 to subject viatical settlement providers to the penalty provision.

**SB 166**

AN ACT relating to the Kentucky Emergency Response Commission.

Amends KRS 39E.030 to add the executive director of the Commission on Fire Protection Personnel Standards and Education, or the director's designee, to the membership of the Kentucky Emergency Response Commission.

**SB 172**

AN ACT relating to health and nutrition in schools.

Amends KRS 156.160 to insert fines for violations of provisions relating to the sale of competitive foods and beverages, with the funds collected reverting to the school district's food service fund; creates new sections of KRS Chapter 158 to require, beginning with the 2006-2007 school year, each school to limit access to no more than 1 day each week to retail fast foods in the cafeteria, whether sold by contract or commercial vendor; requires each school district to appoint a food service director but allows 2 or more contiguous districts to form one "school food service area" with only one food service director who is responsible for the management and oversight of the food service program in the district; requires the food service director or person otherwise responsible for menu planning in each school district to obtain a "school food service and nutrition specialist" credential or the Level 2 certificate issued by the American School Food Service Association within 3 years; requires 8 hours of continuing education to maintain the credential in applied nutrition and healthy meal planning and preparation and requires 2 hours of this annual continuing education for school cafeteria managers; requires the Kentucky Board of Education to promulgate an administrative regulation to specify minimum nutritional standards for all foods and beverages sold outside the National School Breakfast and Lunch programs and permits a school to obtain a waiver, subject to annual review, of the requirements; defines "competitive food," "school day," and "school-day-approved beverage"; prohibits a school from selling competitive foods or beverages until 30 minutes after the last lunch-serving period; permits only school-day-approved beverages to be sold in elementary schools during the school day; exempts fundraisers held off school property from the restrictions related to the sale of foods and beverages; requires each school food service director to annually assess school nutrition in the district and issue a written report to parents, the local school board, and school-

based decision-making councils; requires the Department of Education to develop an assessment tool for each school district to use in making an annual evaluation of its physical activity environment; requires each school board to discuss the findings of the nutrition and physical activity report and seek public comments; requires, by January 31 of each year, the local board of education to hold an advertised public forum to present a plan to improve school nutrition and physical activities; requires each school district to compile a summary of findings and recommendations and submit the summary to the Kentucky Board of Education; amends KRS 160.345 to require each school council, or principal if there is no council, to develop and implement a wellness policy that includes moderate to vigorous physical activity; specifies guidelines for the policy; and requires the Department of Education to report to LRC on how schools are providing the physical activity.

**SB 175**

AN ACT relating to the issuance of federal permits by the Natural Resources and Environmental Protection Cabinet.

Amends KRS 224.16-050, relating to the Federal Water Pollution Control Act, to allow the Natural Resources and Environmental Protection Cabinet to issue permits for the discharge of fill material into streams and wetlands; requires the cabinet to enter into a memorandum of understanding with USDA prior to assuming such authority; permits the cabinet to charge a fee for processing permit applications; and requires the cabinet to report to the legislature by January 1, 2006, on the costs and personnel requirements of the state assumption of this permitting program as well as the projected administrative and environmental benefits of such assumption.

**SB 180**

AN ACT relating to remining and declaring an emergency.

Amends KRS 350.085 and KRS 350.095 to extend the authority, beyond September 30, 2004, for remining incentives in Kentucky when the federal authority is extended; EMERGENCY.

**SB 184**

AN ACT relating to electrical licensing.

Amends KRS 227A.030, relating to requirements for electrical licensing, to exempt work performed by employees of industrial manufacturing facilities in those facilities.

**SB 195**

AN ACT relating to a residential hospice exemption from certificate of need.

Amends KRS 216B.020 to exempt residential hospice facilities established by licensed hospice programs from the certificate of need process.

**SB 209**

AN ACT relating to health insurance and declaring an emergency.

Amends KRS 304.14-500 to define "Medicare supplement policy"; provides that Medicare supplement policy does not include Medicare Advantage under Medicare Part

C, nor prescription drug plans under Medicare Part D, nor health care prepayment plans pursuant to an agreement under 42 U.S.C. sec. 1395l(a)(1)(A); amends KRS 304.17A-095 to change the guarantee of a lifetime minimum loss ratio for individual health benefit plans from 70% to 65%; and permits an insurer to amend policy forms used prior to the effective date of the change in the minimum loss ratio guarantee under this Act and to amend the minimum loss ratio guarantee on policy forms filed and used prior to the effective date of this Act to provide for a minimum loss ratio guarantee allowed under this Act for policies issued, delivered, or renewed on or after the effective date of this Act; EMERGENCY.

**SB 217**

AN ACT relating to the licensure and regulation of health care facilities and services.

Amends KRS 216B.455 to require approval of a nonsubstantive review of an application seeking to increase the number of beds if the application is submitted by an 8- or 16-bed psychiatric residential treatment facility holding an approved certificate of need on July 13, 2004.

**SB 218**

AN ACT relating to medical assistance.

Amends KRS 205.640 to redirect distribution of disproportionate share funds to cover unreimbursed indigent care costs of nonstate publicly owned hospitals based upon certification by the hospitals of expenditures for services provided to the indigent, with remaining disproportionate share funds to be allocated to private acute care hospitals, subject to the availability of state matching funds; requires payments to nonstate public acute hospitals to be made at least quarterly; and establishes an effective date contingent upon certification, no later than July 1, 2006, to the Reviser of Statutes from the secretary of the Cabinet for Health Services that necessary federal approval of the proposed distribution of disproportionate share funds has been obtained.

**SJR 85**

Directs the Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities to study and report on the needs of and services available to older caregivers who provide care to persons with mental retardation or developmental disabilities.

**SJR 92**

Directs the Department of Education to conduct a comprehensive analysis of the resources needed in each school to help each child achieve reading and literacy proficiency by 2014; and requires the Department of Education to submit its findings and recommendations to the Interim Joint Committee on Education no later than November 1, 2005.

**SJR 94**

Directs the Cabinet for Health Services to expand community-based services that are self-directed by the consumer and that promote independence and productivity using evidence-based best practices.

## House Bills

### HB 4

AN ACT relating to delinquent property taxes.

Amends KRS 134.500, relating to delinquent property taxes, to include the filing of a cross claim as litigation by the taxpayer which will allow the addition of the 13% county attorney fee to the total due upon payment of a delinquent property tax claim.

### HB 7

AN ACT relating to breast cancer research, education, awareness, screening, treatment, and funding through a replacement checkoff program, and making an appropriation therefor.

Creates a new section of KRS Chapter 141 to establish an income tax checkoff for the breast cancer research and education trust fund; creates a new section of KRS Chapter 211 to establish the breast cancer research and education trust fund and to appropriate the funds for the uses set forth in the Act; creates new sections of KRS Chapter 211 to establish the trust fund board and to establish the duties of the board; and repeals KRS 141.442, relating to the tax refund designation for the Bluegrass State Games.

### HB 17

AN ACT relating to mobile infrared electronic transmitters.

Creates a new section of KRS 189.910-.950, regarding emergency vehicles, to define "MIRET"; prohibits the use of mobile infrared transmitters to change traffic signals; provides exemptions for persons operating emergency vehicles or performing maintenance; and sets penalties for violation.

### HB 18

AN ACT relating to insurance premium surcharges.

Amends KRS 91A.080 to permit the Department of Insurance to impose a penalty against an insurance company that willfully engages in a pattern of business of failing to properly collect and remit the fee or tax imposed by a city, county, charter county, consolidated local government, or urban-county government on insurance premiums; provides that the penalty shall be no greater than 10% of the additional license fees or taxes determined to be owed to the local government; requires the department to collect the penalty and remit it to the local government; provides that any agent or company that overpays any license fee or tax to a city, county, charter county, consolidated local government, or urban-county government must be refunded the amount overpaid; provides that if the local government fee or tax on insurance premiums was collected upon lives or risks which are discovered to be located outside the local government which was paid the fee or tax, the insurance company or agent who paid the tax shall be refunded the fees and taxes within 90 days of notice to the governmental entity paid.

**HB 26**

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

Amends KRS 117.235 to prohibit electioneering within 300 feet rather than within 500 feet for a polling place; extends electioneering prohibitions to include days during which absentee voting is permitted; and defines “electioneering” to include soliciting signatures to a petition for or against a bona fide candidate or to advocate the passage or defeat of a ballot question; EMERGENCY.

**HB 28**

AN ACT relating to occupational license fees and taxes.

Amends KRS 68.180, 68.197, 91.200, 92.300, and 160.483 to prohibit local governments from regulating ministers; and clarifies that ministers shall be subject to the same fees and taxes assessed against any other taxpayer.

**HB 29**

AN ACT relating to sponsorship of bills.

Creates a new section of KRS Chapter 6 to permit primary sponsors of substantially similar bills introduced in both chambers to petition the Committee on Committees in each chamber to authorize joint primary and co-sponsorship by members of both chambers, of one or both bills; sets forth procedures for the authorization; establishes effective time of the approval; specifies the listing order of primary sponsors and co-sponsors on a jointly sponsored bill; establishes procedures for any member to co-sponsor an approved jointly sponsored bill in the opposite chamber; establishes procedures for any sponsor or co-sponsor of an approved jointly sponsored bill who wishes to withdraw sponsorship; and directs LRC staff to develop a form by which primary sponsors petition the Committees on Committees in each chamber and on which the chairs of both Committees on Committees may, by their signatures, indicate written approval.

**HB 39**

AN ACT relating to highway signs.

Creates a new section of KRS Chapter 177, relating to state and federal highways, to permit any local government to erect motorcycle awareness signs in the right-of-way of any highway that is part of the state primary road system established under KRS 177.020; requires a local government wanting to erect the signs to notify the Transportation Cabinet identifying the routes and specific locations on the routes where motorcycle awareness signs will be erected; permits the cabinet to deny placement and suggest alternative locations if the original location poses a traffic hazard; and requires signs to meet the standards in the federal Manual on Uniform Traffic Control Devices.

**HB 42**

AN ACT relating to establishing Juneteenth National Freedom Day in Kentucky.

Creates a new section of KRS Chapter 2 to establish June 19 as Juneteenth National Freedom Day.

**HB 46**

AN ACT creating the Interstate Compact for Juveniles.

Repeals and reenacts KRS 615.010 to replace the existing interstate compact relating to juveniles with the Interstate Compact for Juveniles; repeals KRS 615.020; becomes effective when the 35th state ratifies the compact or upon July 1, 2006, whichever is later; and provides that until such time, KRS 615.010 and 615.020 shall remain in effect.

**HB 48**

AN ACT relating to the identification of certified volunteer firefighters.

Creates a new section of KRS 95A to establish a certified volunteer firefighter identification program; states the purpose of the program; establishes requirements for application; establishes fee at \$9; specifies issuing agency; grants the Fire Commission the authority to promulgate administrative regulations for the creation of the program; provides that the card be taken by the chief of the fire department if the member is no longer certified, is suspended from the department, leaves the department, or is no longer an active member of the department; authorizes the Transportation Cabinet to use the nondriver identification card, with suitable modifications, as the certified volunteer firefighter identification card; requires the Commission on Fire Protection Personnel Standards and Education, Transportation Cabinet, and Administrative Office of the Courts to cooperate in the program.

**HB 59**

AN ACT relating to public agencies and declaring an emergency.

Amends KRS 61.810 to create an Open Meetings Law exception for the discussion of certain homeland security records; permits legislators to attend meetings closed under this exception; amends KRS 61.878 to create an Open Records Law exception for certain homeland security records; permits legislators to inspect records closed under this exception; and amends KRS 313.130, 319.082, 327.070, and 342.347 to conform; EMERGENCY.

**HB 60**

AN ACT relating to the awarding of high school diplomas to veterans.

Amends KRS 158.140 to require a local board of education to award an authentic high school diploma to an honorably discharged veteran who did not complete high school prior to being inducted into the United States Armed Forces during World War II or the Korean conflict.

**HB 62**

AN ACT relating to women veterans.

Creates a new section of KRS Chapter 40 to establish the Kentucky Women Veterans Program within the Kentucky Department of Veterans' Affairs; establishes the program's mission of ensuring that Kentucky women veterans have equitable access to federal and state veterans' services and benefits; establishes the Women Veterans Coordinating Committee and its duties; and permits the program to accept and expend moneys appropriated by the General Assembly or provided from other sources.



**HB 63**

AN ACT relating to motor vehicle insurance.

Amends KRS 304.39-080 to subject the owner of an uninsured vehicle to penalties if the owner permits another person to drive the vehicle; amends KRS 304.99-060 to provide that a person who operates a motor vehicle without the required security shall be fined between \$500 and \$1,000 and sentenced to not more than 90 days or both, and for a second and subsequent offense within a 5-year period shall have his operator's license revoked and may be sentenced to 180 days in jail or fined between \$100 and \$2,500, or both; subjects a person to both penalties if the person is the operator of the uninsured vehicle and is also the owner of the vehicle; and amends KRS 186.570 to permit the Transportation Cabinet to deny or suspend an operator's license if the person is a habitual violator of the statute that mandates owners to have liability insurance coverage on their vehicles.

**HB 67**

AN ACT relating to the reclassification of cities.

Reclassifies the City of Union, in Boone County, population 3,048, from a city of the fifth class to a city of the fourth class; and reclassifies the City of Corbin, in Whitley and Knox Counties, population 7,855, from a city of the third to a city of the fourth class.

**HB 72**

AN ACT relating to habitual truancy.

Amends KRS 159.150 to identify any public school student who has not reached his or her 21<sup>st</sup> birthday and who has been absent from school without a valid excuse for 3 or more days as truant; removes the provision that requires a student absent from school for less than half a day be counted as tardy; identifies as a habitual truant a student who has been reported as truant two or more times; amends KRS 159.990 to hold a public school student who has attained the age of 18, but who has not reached his or her 21<sup>st</sup> birthday, accountable if the student fails to comply with school truancy laws; holds the parent, guardian, or custodian of a public school student who has not reached his or her 18<sup>th</sup> birthday accountable if the student fails to comply with school truancy laws; holds the court-appointed guardian of a public school student who has not reached his or her 21<sup>st</sup> birthday accountable if the student fails to comply with school truancy laws; requires school district personnel to inform students, parents, guardians, and custodians of the penalties for violating school truancy laws; and amends KRS 600.020 to identify as a habitual truant a student who has been reported as truant two or more times.

**HB 73**

AN ACT relating to professional engineers and land surveyors.

Amends KRS 322.040 to exclude engineering projects from the list of licensure qualifications; removes all sections establishing the qualifications for licensure as a professional land surveyor; deletes prescribed methods for substituting engineering education for engineering experience; makes technical corrections to conform; requires the board to promulgate administrative regulations directing how experience gained prior to graduation from an engineering school may be considered; creates a new section of KRS Chapter 322 to establish the qualifications for licensure as a professional land



surveyor; describes the specific examination, education, and experience standards necessary for licensure as a land surveyor; permits applications for licensure even if the applicant is not practicing land surveying at the time of the application; directs the board to promulgate administrative regulations to establish the requirements for experience gained prior to graduation from a land surveying program and for the surveying core curriculum; creates a new section of KRS Chapter 322 relating to land surveyors; limits the section to be effective only until June 30, 2011; lists additional education and experience combinations by which a person may qualify for licensure as a professional land surveyor; enables applicants to substitute education for part of the experience requirements; limits the amount of experience an applicant can substitute with education to a maximum of 4 years; requires the board to promulgate administrative regulations directing the methods for consideration of experience gained prior to graduation from a land surveying program; and allows the board to promulgate administrative regulations to provide an exemption to certain licensure requirements based on a finding of hardship or medical necessity.

**HB 77**

AN ACT relating to the dissemination of public information.

Creates a new section of KRS Chapter 15 to require the Attorney General to distribute Open Meetings and Open Records information to local government officials, superintendents of public school districts, and presidents of public universities; creates a new section of KRS Chapter 171 to require the Department for Libraries and Archives to assist the Attorney General; creates a new section of KRS Chapter 65 to require local government officials to further distribute the information; creates a new section of KRS Chapter 160 to require superintendents of public school districts to further distribute the information; creates a new section of KRS Chapter 164 to require presidents of public postsecondary education institutions to further distribute the information; amends KRS 61.878 to include public or private records having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency among the exemptions from open records laws; requires that the exemption shall apply to the extent that nondisclosure is requested in writing by the donor of the records but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal laws; and amends KRS 313.130, 319.082, 327.070, and 342.347 to conform.

**HB 79**

AN ACT relating to the master logger program

Amends KRS 149.342 to create a temporary master logger designation for a period of four months; requires the cabinet to specify requirements; requires that when a temporary master logger is used that this be reported; and provides the cabinet with authority to remove bad actor designations and to promulgate administrative regulations to establish procedures for the removal of bad actor designations.

**HB 80**

AN ACT relating to automobile liability insurance.

Amends KRS 186A.042 to provide that if AVIS does not list the vehicle identification number of a motor vehicle, the county clerk may process the application if the owner of the vehicle is serving in the Armed Forces outside Kentucky and if the owner provides an affidavit by the provost marshal of the base where the owner is stationed stating that the motor vehicle is covered by security as required by Subtitle 39 of KRS Chapter 304.

**HB 88**

AN ACT relating to education.

Amends KRS 160.380 to permit a superintendent to require a national criminal history background check for a job applicant who has resided in Kentucky 12 months or less; requires an applicant for any district position to divulge all states in which he or she has lived and the dates of residency; requires photo identification of any applicant; requires the results of a national criminal history background check performed on an applicant for a district position be sent to the hiring superintendent; creates new sections of KRS Chapter 158 to require schools to have an employee trained to administer glucagon subcutaneously for students that are unconscious due to a hypoglycemic episode and an employee trained to administer diazepam rectal gel to a student to stop a seizure; requires the parent or guardian to provide written authorization and a statement from the student's health care practitioner; requires written consent to administer the medication at school; requires the medication to be in an unopened, sealed package; requires the student's parent or guardian to sign a written statement acknowledging that the school is not liable for any injury to the student related to the administration of the student's medication; requires the school to check the expiration of the student's medications on a monthly basis and notify the parent of impending expiration at least one month in advance; clarifies that a school district and its employees have immunity from any injury sustained by a student from any reaction to any hypoglycemic or seizure medications or its administration, and that a parent shall hold harmless the school and its employees against any claims made for any reaction to any medications or the administration thereof to treat a hypoglycemic episode or seizure; adds that glucagon may be administered at school for hypoglycemia or other conditions noted in the health care practitioner's written statement; and clarifies that a school employee is not required to consent to administer glucagon or diazepam rectal gel to a student if the employee does not otherwise consent to provide the health service under KRS 156.502.

**HB 93**

AN ACT relating to improving student achievement, making an appropriation therefor, and declaring an emergency.

Creates a new section of KRS Chapter 158 to stress the importance of the gateway skills of reading and mathematics to students' achievement of the Kentucky academic goals; describes roles of statewide entities in improving student achievement; creates a new section of KRS Chapter 158 to establish the Committee for Mathematics Achievement for purposes of developing a multifaceted strategic plan to improve student achievement in mathematics at all levels of schooling, including emphasis on diagnostic

assessment and intervention services for primary students; defines the membership of the committee; assigns duties to the committee and the staffing of the committee; requires the Committee for Mathematics Achievement to develop professional development institutes for which professional growth funds may be used; establishes a new section of KRS Chapter 158 to establish the mathematics achievement fund and describes the use of funds; amends KRS 156.553 to expand optional uses of the teachers' professional growth fund; gives priority to training and support of reading and mathematics coaches and mentors June 1, 2006, through the 2009-2010 school year, as well as training of primary teachers in mathematics diagnostic assessment and intervention services; creates a new section of KRS Chapter 164 to establish a Center for Mathematics; and specifies duties of the Center for Mathematics; EMERGENCY.

**HB 109**

AN ACT relating to consumer protection.

Amends KRS 186A.530, relating to branded titles for motor vehicles, to require that a vehicle that has been issued a previous title branded "junk," "unrebuildable," or other similar classification by another state, if rebuilt in Kentucky, be identified on the title in a manner that warns that the vehicle may not be eligible to be titled for highway use in all states; gives Transportation Cabinet the responsibility to create a unique identification system for such vehicles; requires the cabinet to promulgate administrative regulations setting out such a system; and amends KRS 186A.990 to conform.

**HB 113**

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

Reclassifies the City of Prospect, in Jefferson County, from a city of the fourth class to a city of the third class.

**HB 116**

AN ACT relating to local taxation.

Amends KRS 67.750, relating to local taxation, to reference the Internal Revenue Code in effect on December 31, 2004; amends KRS 65.6851 to specify that persons assessed a job development fee shall receive credits against any local occupational license fee or payroll tax imposed by the governing body that established the development area if a license fee is levied by that governing body; and amends KRS 67.795 to delay the effective date of the local occupational license fee or tax on net profits changes to July 15, 2008.

**HB 121**

AN ACT relating to elections.

Amends KRS 23A.070 to specify numbering and naming of divisions and family court divisions in the Thirtieth Judicial Circuit for election and other purposes; permits candidate to expend funds from previously created campaign accounts for election to a division of the Thirtieth Judicial Circuit; and amends KRS 118A.045 to conform.

**HB 128**

AN ACT relating to sales and use taxes.

Amends KRS 139.495 to provide a sales tax refund on sales of donated goods by nonprofit, charitable institutions if the refund is used as reimbursement for constructing new retail facilities in this state and the institution is involved in job training and placement and other community services; limits the refund to 25% of the tax collected not to exceed \$1 million per location; EFFECTIVE August 1, 2005.

**HB 133**

AN ACT relating to transportation.

Creates a new section of KRS Chapter 281A to establish a new school bus endorsement for commercial driver's licenses; sets forth qualifications; exempts current license holders with satisfactory driving records from taking the school bus endorsement skills test until October 1, 2005; amends KRS 186.018 to prohibit the destruction of records of a violation of KRS 189A.010(6) for an individual who holds or is required to hold a CDL; amends KRS 186.570 to remove the prohibition against the cabinet assessing suspensions or penalties for out-of-state speeding violations for an individual who holds or is required to hold a CDL; amends KRS 186.574 to require that a violation for which points were removed through state traffic school attendance still appear on a person's driving history record if that person holds or is required to hold a CDL; amends KRS 281A.010 to provide new definitions of "conviction," "disqualification," "felony," "gross combination weight rating," "out-of-service order," "school bus," and "serious traffic violation" and create a definition for the term "imminent hazard"; amends KRS 281A.140 to expand the citations to federal regulations and require applicants for a CDL to give the name of every jurisdiction in which the applicant has been licensed for the past 10 years; amends KRS 281A.170 to create a letter code "S" on a CDL indicating a school bus endorsement and to change restriction codes for automatic transmissions and other restrictions; amends KRS 281A.190, regarding disqualification for holding a CDL, to include having physical possession of the vehicle under the DUI provisions; applies all disqualification standards to those who possess or are required to possess a CDL; creates new disqualifying offenses of driving a commercial motor vehicle with a suspended or revoked CDL and causing a fatality through negligent use of a commercial motor vehicle; establishes new disqualifying offenses for violation of railroad grade crossing requirements, out-of-service criteria violations, and out-of-service violations when transporting passengers or hazardous materials; establishes procedures for reporting CDL suspension, revocation, and disqualification; establishes procedures for dealing with drivers who have been declared an imminent hazard by the Federal Motor Carrier Safety Administration; amends KRS 186.540 to conform; amends KRS 174.405 and 411.450 to update references to federal hazardous material transportation laws; amends KRS 281.755 to permit the driver of a commercial motor vehicle to drive to an impoundment or storage facility if the vehicle is required to be moved as a result of a violation; requires the vehicle to be moved to be escorted by a peace officer; prohibits application of the provision for certain violations; creates a new section of KRS Chapter 277 to prohibit throwing of objects at trains or on railroad tracks, climbing or riding on railroad cars, disrupting the operation of a railroad, or tampering with a railroad grade crossing signal;

sets penalties; and amends KRS 277.350 to make trespassing on railroad property a Class B misdemeanor.

**HB 134**

AN ACT relating to motor vehicle registrations.

Creates various new sections of KRS Chapter 186, relating to the licensing and registration of motor vehicles, to define “special license plate,” “street rod,” “SF,” “CF,” and “EF”; establishes the total initial fee and renewal fee for all special license plates currently in existence; establishes an extra renewal fee of \$5 to the Veterans’ Program Trust Fund for certain military plates, General Assembly plates, Judicial plates, and Congressional plates; provides that all extra funds required for a special plate in addition to the state fee shall be collected by a county clerk, forwarded to the Transportation Cabinet, and transmitted quarterly from the cabinet to the appropriate designated group; permits the Transportation Cabinet to retain any investment income earned from holding the extra funds to offset administrative costs incurred by the cabinet; establishes a total fee of \$28 for all special license plates created after the effective date of this Act, with the Transportation Cabinet receiving \$25 and the county clerk receiving \$3; establishes general guidelines governing the design and replacement procedures for special license plates; requires the Transportation Cabinet to promulgate regulations on the procedures for review of proposed special license plates and the standards by which proposed plates may be rejected under the Act; provides that any group wanting a special license plate to be created must collect a minimum of 900 applications, each accompanied by a \$25 state fee, and submit the applications and fees to the Transportation Cabinet as a whole; requires the cabinet, upon receipt of the 900 applications and fee, to design and print the special license plate; establishes conditions that groups must comply with prior to being eligible to apply for a special license plate; establishes an appeals process for a group denied a special license plate by the Transportation Cabinet; establishes conditions for issuance of a personalized license plate; permits applicants initially purchasing or renewing their registration to be permitted to make a voluntary donation, in addition to the required state and clerk fees, that is to be designated for a particular group or organization; establishes the information that groups must submit to the Transportation Cabinet in order to be eligible to receive donated funds from the sale of their special license plate; establishes a penalty of a Class D felony and a \$5,000 fine for any individual or group violating the provisions governing the use of donated funds; requires the Transportation Cabinet to perpetually produce all special license plates currently in existence and a special plate for Gold Star Mothers until directed otherwise by the General Assembly; allows an individual renewing any license plate to make a voluntary contribution to the Veterans’ Program Trust Fund; amends KRS 41.400, 186.041, 186.042, 186.043, 186.065, and 186.174 to conform; amends KRS 186.065 to include investigators of the Public Protection and Regulation Cabinet in the category of personnel that may be issued a state vehicle without official markings; and repeals KRS 186.171, 186.1721, 186.1723, 186.1724, 186.1751, 186.1761, 186.177, 186.178, 186.179, 186.1831, 186.1835, 186.184, 186.185, 186.186, 186.18651, 186.1867, 186.1868, 186.18685, 186.187, 186.188, and 186.189.

**HB 139**

AN ACT relating to traffic regulations.

Amends KRS 189.214, relating to traffic regulations governing travel trailers and recreational vehicles, to delete references to travel trailers; and clarifies permissible appurtenances and the width of a recreational vehicle including the appurtenances.

**HB 141**

AN ACT relating to elections.

Creates a new section of KRS Chapter 117 to prohibit any items, electronic or otherwise, in the voting room to record the identity of voters in the voting room, except for the precinct signature roster; amends KRS 117.035 to prohibit a member of the State Board of Elections from serving on the board if he or she is a candidate for public office; amends KRS 117.187 to require the county board of elections to provide disability awareness and provisional voting processes training to poll workers; amends KRS 117.265 to establish a time for the filing of the declaration of intent for write-in candidates; amends KRS 117.345 to delete language barring the State Board of Elections from paying expenses for precincts with less than 350 registered voters; amends KRS 117.900 to permit topics for the election essay and slogan contest to include any substantive issue related to elections or voting and to broaden the ability of the Secretary of State's office to secure sponsorships and to deliver monetary awards; amends KRS 118.105 to clarify that candidates are political party candidates; amends KRS 118.315 to exclude a candidate for President from the requirement that signatures for a petition of nomination for a candidate seeking office not be solicited prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot; and amends KRS 118.367 to permit certain independent candidates to be exempt from the requirement to file a statement of candidacy form.

**HB 155**

AN ACT relating to domestic relations.

Amends KRS 405.465, relating to child support, to require employers of 20 or more employees to notify the Cabinet for Families and Children or the cabinet's designee of any lump-sum payment to an employee and then to pay to the Division of Child Support the amount specified by the division; and amends KRS 406.021, relating to determination of paternity, to provide for enforcing the liabilities of either parent.

**HB 161**

AN ACT relating to the Kentucky Higher Education Student Loan Corporation.

Amends KRS 164A.080 to increase the bonding authority of the Kentucky Higher Education Student Loan Corporation from \$1.95 billion to \$5 billion.

**HB 164**

AN ACT relating to the Kentucky FAIR plan reinsurance association.

Amends KRS 304.35-040, pertaining to the reinsurance association of the Kentucky FAIR plan, to provide that two of the members of the association governing committee shall be from the National Association of Mutual Insurance Companies and



the Property Casualty Insurers Association of America; and deletes provision requiring the commissioner to approve the “FAIR” plan and articles of association.

**HB 179**

AN ACT relating to the Kentucky Health Care Improvement Authority.

Amends KRS 304.17B-003, pertaining to the Kentucky Health Care Improvement Authority, to permit the commissioner of the Department of Insurance, the secretary of the Cabinet for Health Services, the deans of the University of Louisville School of Medicine and the University of Kentucky College of Medicine, and the commissioner of Public Health to designate a person to represent them on the board; and deletes the requirement that the authority establish priorities for programs and the expenditure of funds.

**HB 183**

AN ACT relating to the Education Professional Standards Board.

Amends KRS 161.027 to clarify that a school principal or assistant principal who was certified in another state and practiced for 2 or more years is exempt from taking a national leadership test; clarifies that a 1-year certificate may be given to a person to serve as an assistant principal if there are a limited number of applicants to meet the requirements; clarifies that all requirements for principal certification apply to assistant principals; amends KRS 161.048 to specify that a student enrolled in an alternative program under Option 6 must successfully complete the assessments before participating in the internship; clarifies that a teacher who is fully certified in Kentucky and who is seeking an additional certification is not required to repeat the internship program; amends KRS 161.1221 to extend the deadline from October to November for informing the Kentucky Department of Education of the teachers who are assigned classes out of field; and amends KRS 161.1222 to extend the pilot 2-year internship program by 1 year.

**HB 184**

AN ACT relating to the Commonwealth postsecondary education prepaid tuition trust fund.

Amends KRS 164.746 to delete language requiring the Office of the Treasurer and the Kentucky Higher Education Assistance Authority (KHEAA) to jointly market the Commonwealth prepaid tuition plan and the Kentucky Education Savings Plan Trust; amends KRS 164.748 to add to the powers of the KHEAA board of directors the authority to act as the board of directors of the Commonwealth postsecondary education prepaid tuition trust fund (the fund); amends KRS 164A.700 to change the definitions of “board,” “office,” “tuition,” and “qualified beneficiary”; amends KRS 164A.701 to move the fund from the Office of the Treasurer to KHEAA for administrative and reporting purposes; establishes that the fund shall be governed and administered as a separate instrumentality of the Commonwealth; establishes that all moneys received by the fund are trust funds to be used only for authorized payments and administrative expenses; establishes that obligations under a prepaid tuition contract are not an obligation of KHEAA and shall be payable solely from the fund; requires the facilities of KHEAA rather than the Office of the State Treasurer be used to administer the fund; sets forth the types of securities in which assets of the fund may be invested, and prohibits leveraging;



permits the board to receive all funds from legal sources determined to be applicable to the purposes of the fund; transfers the prepaid postsecondary tuition administrative account from the Office of the State Treasurer to KHEAA; establishes that all expenses of the fund shall be payable from the administrative account and that no expenses shall be incurred by KHEAA beyond those for which funds are provided; amends KRS 164A.704 to require the annual actuarial analysis to be conducted by a nationally recognized independent actuary; requires the board to adjust the price of new prepaid tuition contracts and permits the board to suspend the sale of new contracts if necessary to restore the actuarial soundness of the fund; clarifies that existing contracts shall be serviced and honored if sales of new contracts are suspended; establishes that board members or officers or employees of KHEAA or the Tuition Account Program Office shall not be subject to any personal liability for issuing or executing a prepaid tuition contract; amends KRS 164A.707 and 164A.709 to conform; and repeals KRS 41.025 and 164A.703; EFFECTIVE July 1, 2005.

**HB 189**

AN ACT relating to members of the United States Armed Forces.

Creates a new section of KRS Chapter 36 to require the extension of a license, permit, or certification while the holder of the license, permit, or certification is a member of the United States Armed Forces deployed overseas; provides that possession of a license, permit, or certification together with overseas deployment orders requires the extension and establishes a defense to the charge of possession of an expired license, permit, or certification; permits a service member to voluntarily notify the licensing, permitting, or certifying agency of overseas deployment and requires the agency to automatically extend the license, permit, or certification as provided in the Act; and prohibits an agency from taking any adverse action against a service member who has not provided overseas deployment information.

**HB 196**

AN ACT relating to personal identification cards.

Amends KRS 186.412, relating to nondriver's identification cards, to permit the issuance of a nondriver's identification card to the holder of an instruction permit or an operator's license.

**HB 197**

AN ACT relating to nonresident student contracts.

Amends KRS 157.350 to allow 2 local school districts to enter into a nonresident student contract for more than 1 year; deletes the requirement that the best interest of the individual student shall be considered if the Commissioner of Education and the Kentucky Board of Education determine the outcome of an agreement upon appeal.

**HB 201**

AN ACT relating to State Police promotions.

Amends KRS 16.010 to add the definition of "continuous service"; changes requirement from 3 years of continuous service to 1 year of continuous service for promotions to lieutenant and captain; EFFECTIVE January 1, 2006.

**HB 204**

AN ACT relating to child support.

Amends KRS 403.213 to allow a court to order a continuation of child support payments, but not beyond the age of 25, for a person who is mentally retarded, mentally ill, or disabled if the request is made to the court prior to the child reaching the age of emancipation; VETOED.

**HB 210**

AN ACT relating to local government.

Amends KRS 91.750 relating to management districts to include consolidated local governments in the definitions relating to such districts; amends KRS 91.752 to permit a consolidated local government to establish a management district; amends KRS 91.754 to delete language which would limit district assessments to 5 years; amends KRS 91.756 to delete language relating to the contents of the ordinance creating a management district; amends KRS 91.758 to make reference to consolidated local governments; amends KRS 91.760 to permit representatives of property owners to be members of the board of directors, to include reference to consolidated local governments, to permit board members to be removed by the executive authority for violation of board rules, regulations, or operating procedures upon recommendation of the board, and to permit the board to borrow money on a long-term basis; amends KRS 91.762 to delete requirement that the district be renewed every 5 years; makes technical corrections; and amends KRS 100.117 to exempt independent planning units existing in a county that has all or part of a joint planning unit on the effective date of the Act from having to conduct an interrogation, being subject to an interrogation, or being subject to dissolution under the provisions of KRS 100.117.

**HB 215**

AN ACT relating to the approval of a capital project, appropriating funds therefor, and declaring an emergency.

Authorizes a \$12,020,000 capital project for the Department of Military Affairs at Bluegrass Station and appropriates debt service therefor; EMERGENCY.

**HB 217**

AN ACT relating to the Kentucky Commission on Military Affairs.

Amends KRS 154.12-203 to change the membership of the Kentucky Commission on Military Affairs.

**HB 218**

AN ACT relating to reorganization.

Amends KRS 246.030 to rename the Division of Agriculture Marketing, Agritourism, and Agribusiness Recruitment as the Division of Agriculture Marketing and Agribusiness Recruitment; creates the Division of Agritourism; amends KRS 247.800 to conform; and confirms Executive Orders 04-02 and 04-03.

**HB 225**

AN ACT relating to gas.

Creates new sections of KRS Chapter 353 to establish within the Finance and Administration Cabinet the Kentucky Gas Pipeline Authority; sets the membership, meeting schedule, and compensation of the authority; authorizes the authority to perform certain functions, including the issuance of revenue bonds for the financing of pipeline projects and promulgation of regulations; creates the Kentucky gas pipeline authority fund and limits the uses to which moneys in the fund may be applied; requires an annual report to the Office of the State Budget Director and the Interim Joint Committee on Appropriations and Revenue; and allows the authority to study the need for additional gas storage and transmission.

**HB 230**

AN ACT relating to Vietnam Veterans.

Amends KRS 158.140 to require a local board of education to award a high school diploma to an honorably discharged veteran who was enrolled in, but did not complete, high school prior to being inducted into the United States Armed Forces during the Vietnam War.

**HB 233**

AN ACT relating to city boundaries and declaring an emergency.

Amends KRS 81A.440 to require that a city pass an ordinance stating its intention to strike uninhabited territory; and grants the encompassing county the right to object to the striking of territory; EMERGENCY.

**HB 235**

AN Act relating to the disposal of state parks' real property.

Requires the Department of Parks to receive authorization from the General Assembly prior to disposing of real property owned by the Commonwealth in counties containing a consolidated local government and managed by the Department of Parks.

**HB 239**

AN ACT relating to the Kentucky Community and Technical College System.

Amends KRS 164.5807 to transfer the governance and management responsibilities for Lexington Community College to the Kentucky Community and Technical College System; amends KRS 164.001 to redefine the "Kentucky Community and Technical College System" by deleting the two branches; amends KRS 164.591 to include Fayette County in the list of locations that have community colleges; requires the headquarters of the administration of the Kentucky Community and Technical College System be in Woodford County; and amends KRS 45A.840, 164.125, 164.580, and 164A.575 to conform.

**HB 241**

AN ACT relating to the Capital Construction and Equipment Purchase Contingency Account.

Amends KRS 45.770 to allow the Capital Construction and Equipment Purchase Contingency Account to be used for agency moving and relocation expenses under certain conditions.

**HB 248**

AN ACT relating to debtor-creditor relations.

Amends KRS 427.170 to allow federal bankruptcy exemptions to apply in Kentucky.

**HB 256**

AN ACT relating to the electronic transfers of funds by counties.

Amends KRS 68.275 to allow counties to pay recurring monthly payroll and utility expense by means of electronic funds transfer and sets out requirements for doing so.

**HB 260**

AN ACT relating to county government.

Amends KRS 67.060 to require that the division of a county into three districts be accomplished no later than the first Monday in January in the year of the regular election for county officers; and amends KRS 383.110 to permit an official custodian to certify a copy of any original record.

**HB 264**

AN ACT relating to the letting of work by water districts.

Amends KRS 74.260 to delete the prohibition that bids awarded on a lump-sum basis cannot exceed estimated costs except as specified.

**HB 266**

AN ACT relating to gubernatorial power to reschedule elections during a state of emergency.

Amends KRS 39A.100 to allow the Governor, upon the recommendation of the Secretary of State, to declare, by executive order, a different time or place for holding state elections in an election district for which a state of emergency has been declared for part or all of the election district; requires that the election must be held within 20 days after the suspended or delayed election; and amends KRS 117.015 to require the State Board of Elections to promulgate administrative regulations establishing a procedure for election officials to follow when an election had been suspended or delayed because of a state of emergency.

**HB 267**

AN ACT relating to appropriations and revenue measures 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, General Fund-Tobacco, Road Fund, Restricted Funds, Federal Funds, Bond Funds, Highway Bonds, Agency Bonds, Capital Construction Surplus, Investment Income, and other funds \$23,540,487,200 in fiscal year 2004-2005 and \$20,333,449,100 in fiscal year 2005-2006 as follows: General Government 2004-05 \$697,307,700, 2005-06 \$655,583,400; Commerce Cabinet 2004-05 \$196,631,200, 2005-06 \$206,929,700; Economic Development Cabinet 2004-05 \$27,269,200, 2005-06 \$26,109,700; Education 2004-05 \$3,721,166,100, 2005-06 \$4,025,836,000; Education Cabinet 2004-05 \$1,204,441,700, 2005-06 \$1,254,290,500; Environmental and Public Protection Cabinet 2004-05 \$627,238,400, 2005-06 \$620,848,600; Finance and Administration Cabinet 2004-05 \$504,237,500, 2005-06 \$544,183,700; Cabinet for Health and Family Services 2004-05 \$6,218,354,000, 2005-06 \$6,113,034,700; Justice and Public Safety Cabinet 2004-05 \$709,861,700, 2005-06 \$733,018,700; Personnel Cabinet 2004-05 \$72,368,000, 2005-06 \$105,728,900; Postsecondary Education 2004-05 \$3,787,745,800, 2005-06 \$4,040,964,000; Transportation Cabinet 2004-05 \$2,391,883,700, 2005-06 \$1,824,679,500; Necessary Government Expense 2004-05 \$0, 2005-06 \$0; Funds Transfer to the General Fund 2004-05 \$160,834,100, 2005-06 \$184,197,100; Legislative Branch 2004-05 \$0, 2005-06 \$108,100; Judicial Branch 2004-05 \$0, 2005-06 \$1,077,400; Phase I Tobacco Settlement Funding Program 2004-05 \$108,800,000, 2005-06 \$108,600,000. Not included in the above appropriation amounts are capital project amounts as follows: Capital Projects 2004-05 \$3,381,982,900, 2005-06 \$182,241,700; provides that there is \$35,277,300 from the Budget Reserve Trust Fund available in fiscal year 2004-05 for appropriation; provides for allocations of the Local Government Economic Development Fund; directs that appropriations for existing line-item capital construction projects expire on June 30, 2005, except under specified conditions; prohibits the sale of permanent bonds to finance certain bond projects before August 1, 2005; permits the lapse of General Fund appropriated debt service under certain conditions; allows funding of capital projects from specified funding sources; directs use of investment income from bond proceeds and the Technology Trust Fund; directs the issuance and use of economic development bonds, highway bonds, and Grant Anticipation Revenue Vehicle (GARVEE) bonds; provides appropriation and reporting requirements for specified capital projects; provides for the recording, reporting, allotment, and expenditure of appropriated funds; provides for the deposit of Restricted Funds and Federal Funds; prohibits the transfer of funds between budget units unless specifically authorized and upon review and determination by the Interim Joint Committee on Appropriations and Revenue; prohibits the expansion of an appropriation from any fund source over the sum specified until the agency has submitted required documentation to the Interim Joint Committee on Appropriations and Revenue for review and action under KRS 48.630; requires the secretary of the Finance and Administration Cabinet to make decisions concerning questions relating to interpretations of any appropriation; requires the Governor's Office for Policy and Management to prepare, within 60 days after adjournment of the 2005 General Assembly, a final budget document based on the proposed State/Executive Branch Budget, the statutory budget memorandum, other Acts that contain appropriation provisions as enacted by the 2005 General Assembly, and other supporting documentation and legislative records as considered by the 2005 General Assembly; provides for construction of budget

provisions regarding executive reorganization orders; requires the State Budget Director to monitor and report on the financial condition of the Commonwealth pursuant to KRS 48.400; authorizes the secretary of the Finance and Administration Cabinet to establish a formula to prorate certain administrative costs; requires Road Fund resources to be utilized to meet the lease-rental payments of the Kentucky Turnpike Authority for Resource Recovery Road projects; directs that confirmation or ratification of executive orders must be confirmed or ratified in an Act of the 2005 Regular Session of the General Assembly; specifies that the employer contribution for KERS cannot exceed 5.89% for nonhazardous duty employees, 18.84% for hazardous duty employees, and 21.58% for State Police for the period July 1, 2004, through June 30, 2005, and 5.89% for nonhazardous duty employees, 18.84% for hazardous duty employees, and 21.58% for State Police for the period July 1, 2005, through June 30, 2006; directs the Finance and Administration Cabinet, in conjunction with the Consensus Forecasting Group, to provide a budget planning report by August 15, 2005; directs the Office of State Budget Director to provide estimates relating to the General Fund and Road Fund and loss of revenues effected by tax expenditures; requires that all unclaimed lottery prize money be transferred to the KEES reserve subsidiary account of the Student Financial Aid and Advancement Trust Fund in each fiscal year; specifies the funding and uses of the Technology Trust Fund; confirms and adopts General Fund Budget Reduction Order No. 04-01 for fiscal year 2003-04 and Road Fund Budget Reduction Order No. 04-01 for fiscal year 2003-04; provides a tax exemption for commercial printers; provides for retention of excess Phase I Master Settlement Agreement moneys in the General Fund; provides for retention of all abandoned property receipts in the General Fund; sets the dormancy period for abandoned property at 3 instead of 7 years; requires the Treasury Department to sell abandoned property within 3 years of receipt; credits premium and retaliatory insurance taxes to the General Fund; sets the average wholesale price for motor fuels at \$1.22, for the purpose of establishing the floor for calculating the excise tax; requires the computation of the motor vehicle usage tax at the time of titling instead of the time of registration; requires that office space in the basement and on the first floor~~[-, second floor, third floor, and fourth floor]~~ in the Capitol Annex designated for use by the Legislative Branch be vacated by the Executive Branch not later than September 1, 2005 (*this provision was vetoed in accordance with veto item #12*); directs the secretary of the Finance and Administration Cabinet to continue efforts to achieve savings in total utility costs, usage of cellular telephones and other electronic communication devices, printing, and travel expenditures; requires a report by the Blue Ribbon Panel on Public Employee Health Benefits by August 1, 2005; designates the Kentucky Wine and Vine Fest of Nicholasville as the official state wine festival; requires the Office of Education Accountability to conduct an inventory and assessment of indicators used to evaluate school performance; designates the Horse Cave Repertory Theatre in Hart County as the official state repertory theatre; permits Civil War reenactors to carry weapons in conjunction with reenactments and related events; requires the Office of Education Accountability to conduct a review of the School Facilities Construction Commission's ability to provide local school districts with necessary and effective debt service assistance; provides for extension of enterprise zone incentives to qualifying entities; requires computation and certification of the undesignated General Fund carry forward amount into fiscal year 2005-06; limits the total number of filled permanent positions



within the Executive Branch to the number authorized in the Act; provides a 2% cost-of-living adjustment in fiscal year 2004-05, a 1% cost-of-living adjustment on January 1, 2005, and a 3% cost-of-living adjustment in fiscal year 2005-06 for each eligible state employee on their anniversary date; provides for identifying and filling positions not funded within the Act; states the intent to provide the same level of health insurance benefits in Plan Year 2006 as is provided in Plan Year 2005 without additional employee cost; requires the Personnel Cabinet to permit married couples participating in the state health insurance plan to be covered under one family plan and permit them to apply the employer contribution for the single premium toward family coverage; requires a state contribution of \$234 per month into a flexible spending account for employees who waive health insurance coverage; provides for a General Fund Budget Reduction Plan, a General Fund Surplus Expenditure Plan, a Road Fund Budget Reduction Plan, and a Road Fund Surplus Expenditure Plan; provides conditions, directives, and mandates for implementation of the budget plan; authorizes construction of 16 new courthouses with project scopes totaling \$217,926,000 and defers use allowance, operating support, and non-recurring furniture and equipment costs to the 2006-08 fiscal biennium pending action of the 2006 General Assembly; amends KRS 31A.010 to require master commissioners to account for all receipts and expenditures of all fees collected to the AOC; requires all fees collected in excess of authorized compensation and expenses of the master commissioner to be remitted to the AOC to inure to a nonlapsing trust and agency account to be utilized to hire additional deputy clerks or office personnel; increases deputy clerk or office personnel salaries, or a combination thereof; amends KRS 23A.040 for the creation of 8 new Circuit Judgeships in the following Judicial Circuits: 10th - Hart, Larue, Nelson; 13th - Garrard, Jessamine; 20th - Greenup, Lewis; 27th - Knox, Laurel; 38th - Butler, Edmonson, Hancock, Ohio; 42nd - Calloway, Marshall; 53rd - Anderson, Shelby, Spencer; and 55th - Bullitt; establishes a Cancer Research Institutions Matching Fund funded by an additional \$0.01 cigarette tax, with the funds to be divided on an equal basis between the Markey Cancer Center at the University of Kentucky and the Brown Cancer Center at the University of Louisville, which will match the receipt of funds on a dollar-for-dollar basis; increases the Driver's License Fee paid every 4 years from \$8 to \$20; codifies the 1-cent increase in the Motor Fuels Tax to make the increase permanent and to not revenue-share the one cent; codifies the Vehicle Usage Tax and Sales Tax exemption for charter buses; issues \$300 million of road bonds for state-funded road construction projects; issues \$100 million of road bonds for the construction of county roads and bridges; issues \$50 million of road bonds for the Municipal Road Aid Program; issues \$150 million of GARVEE bonds for federal interstate projects (I-64, I-75, and I-65); authorizes \$450 million in Economic Development road bonds; provides for a full-year debt service in fiscal year 2005-06 for all authorized bonds (\$41,904,000); codifies the creation of the Kentucky Data Research Initiative to maximize research capabilities through computer resources at public elementary, secondary, and postsecondary educational institutions; requires new KAPT prepaid tuition contracts to require payments that are actuarially sound to prevent a program fund deficit in the future; codifies language authorizing the distribution of Phase II Tobacco Settlement funds; codifies provisions relating to economic development enterprises to grant sales tax exemptions for projects involving developments on property owned or leased by the state or federal government; codifies a tax exemption on real and



personal property owned by another state or political subdivision thereof if that state grants a reciprocal tax exemption; and includes appropriations to pay outstanding claims against the Commonwealth; VETOED IN PART.

**HB 272**

AN ACT relating to revenue and taxation and making an appropriation therefor and declaring an emergency.

Amends KRS Chapter 136 to remove the corporation license tax after 2005 and to address the Illinois Tool Works case for returns due on or after April 15, 2004; amends KRS 141.010 to adopt the internal revenue code in effect on December 31, 2004, and to add definitions for "corporation," "doing business in this state," "cost of goods sold," "Kentucky gross profits," "direct labor," and "bulk delivery costs," amends KRS 141.020, the individual income tax, to provide that income between \$8,000 and \$75,000 be taxed at 5.8%; amends KRS 141.066 to provide for a low-income tax credit at poverty level for a family size of up to 4; with a phase out up to 133% of poverty; excludes any state replacement payments for Phase II tobacco payments from the income tax; expands the definition of corporation to include all limited liability entities except publicly traded partnerships; amends KRS 141.040 to reduce the top corporate rate to 7% in calendar year 2005, with a further reduction to 6% beginning in calendar year 2007; provides for an alternative minimum calculation based on \$0.75 per \$100 on gross profits or \$0.095 per \$100 on gross receipts; provides for a minimum tax payment of \$175 for each corporation; requires the filing of consolidated returns by certain groups of corporations; provides for a passthrough credit for individual owners of passthrough entities for the tax paid at the entity level; expands nexus standards; creates or expands tax credits for brownfield remediation, biodiesel blending and manufacturing, heritage property rehabilitation, environmental stewardship, clean coal electricity production, education tuition payment, and recycling; requires the use of a common 3-factor apportionment formula for all business entities; disallows certain related party transactions; provides for sales and use tax credits through the Kentucky Enterprise Initiative; expands the state intangible property tax exclusion; imposes a state transient room tax, with the proceeds dedicated to tourism promotion efforts; expands the sales tax to include prepaid calling cards; increases the cigarette tax rate by \$0.26 per pack and assesses a new tax on smokeless tobacco; provides increased compensation for 6 months for cigarette wholesalers; imposes an excise tax of 3% on cable and direct broadcast satellite companies, and an internal gross receipts tax against cable, direct broadcast satellite, and telephone providers; subjects direct broadcast satellite to school taxes in jurisdictions that tax cable unless the school district opts out; increases the alcohol wholesale tax from 9% to 11%; exempts certain horses from sales tax; creates a thoroughbred breeders incentive fund, a standardbred breeders incentive fund, and a horse breeders incentive fund; earmarks a portion of sales tax from appropriate horse breeding to the various funds and specifies how the funds may be used; amends KRS 160.470 to permit a district board of education to levy a general tax rate that will produce revenue from real property, exclusive of revenue from new property, that is 4% over the amount of the revenue produced by the compensating tax rate as defined in KRS 132.010; amends KRS 299.031 to remove the 5% tax on broadcast, television, and motion picture rights for professional boxing and wrestling; creates an LRC task force to study local taxes; mandates a study of

sales tax exemptions and exclusions; and amends and repeals various other sections of the Kentucky Revised Statutes to conform; EMERGENCY.

**HB 275**

AN ACT relating to insurance licenses of individuals and business entities licensed under Subtitles 9, 10, and 29 of KRS Chapter 304.

Amends various sections of Subtitle 9 of KRS Chapter 304 to make technical correction; defines terms; requires a resident applicant for a variable life and variable annuities line of authority to hold an active life line of authority; requires the applicant for an administrator license to be a resident of Kentucky or currently licensed and in good standing in his or her home state; deletes the requirement of a high school education from qualifications for an agent's license; deletes the requirement that prelicensing course of study be a classroom course; creates exemptions from licensing qualifications and requirements persons with certain insurance designations; requires a business entity to have for each of its active lines of authority at least one licensed individual with the same line of authority designated with the commissioner; requires an application of a resident individual to show whether the applicant is a citizen of the United States; requires an individual designating Kentucky as his or her home state to submit a criminal background report; requires the license renewal fees to be received on or before the applicable due date for the license; provides that beginning January 31, 2006, in conjunction with a license renewal, an individual holding a resident license for agent, a rental vehicle managing employee, and a viatical settlement broker must show proof of compliance with the continuing education requirements; permits acceptance of any renewal request and fees received by the commissioner after 30 days from the date of expiration but within 60 days of expiration if accompanied by a penalty; requires proof of continuing education compliance within 60 days after the expiration date; requires an insurer prior to appointment to satisfy itself that the applicant has not been convicted of a felony involving dishonesty or breach of trust and has not been convicted of a fraudulent insurance act; allows an agent to act as a representative of and place insurance with an insurer without first obtaining approval of the appointment by the commissioner for a period of 15 rather than 30 days; requires an insurer, no later than 15 days rather than 45 days from the date the agent contract is executed or the first insurance application is submitted by an agent, whichever is earlier, to file with the commissioner a notice of appointment; requires the insurer who terminates a licensee without cause to mail a notice of termination within 15 days after making the notification; establishes the continuing education biennial compliance dates beginning January 31, 2006; requires continuing education to include 3 hours of ethics; requires the provider to furnish to the commissioner certification of continuing education courses completed by each licensee; authorizes the commissioner to withdraw approval of continuing education provider, course, or instructor for good and just cause and to impose a civil penalty; prohibits an authorized insurer from doing business in Kentucky with an administrator who is not licensed in accordance with KRS 304.9-052; allows the commissioner to place on probation, suspend, or impose conditions on the continuance of a license for not more than 24 rather than 12 months; requires a resident surplus lines broker who fails to maintain his or her agent license with lines of authority for property and casualty to terminate and promptly surrender to the commissioner his or her license without demand;

requires the agent of a fraternal benefit society to be licensed as an agent in accordance with Subtitle 9 of the KRS Chapter 304; amends other sections of KRS Chapter 304 to conform; and repeals KRS 304.9-480, which defines terms for KRS 304.9-480 and 304.9-485.

**HB 278**

AN ACT relating to health insurance and declaring an emergency

Requires an insurer that issues group health benefit plans to an employer-organized association health benefit plan to provide information relating to the association's health benefit plan for the previous 3 years on aggregate claims experience, total premiums paid, total number of insureds, and detailed claims information; authorizes insurers to offer one or more basic health benefit plans in the individual, small group, and employer-organized association markets which covers physician, pharmacy, home health, preventive, emergency, and inpatient and outpatient hospital services; permits the insurer that offers a basic benefit plan to, upon request, exclude mandated benefits except for state-mandated coverage of diabetes, hospice, and chiropractic services, federally mandated benefits, and mandated payment, indemnity, or reimbursement of specified health care providers for specific health care services; requires insurers offering basic benefit plans to disclose to the individual, small employer groups, and employer-organized associations prior to issuance of the policy that the plan provides limited benefits, includes federally mandated benefits, and excludes state-mandated benefits except for diabetes, hospice and chiropractic coverage; amends KRS 205.560 to direct the Medical Assistance Program to use the form and guidelines established for assessing credentials of those applying to participate in the Medical Assistance Program; amends KRS 216.2923 to direct the cabinet to convene a permanent cabinet advisory committee to advise the secretary on the collection, analysis, and distribution of consumer-oriented information related to the health care system, the cost of treatment and procedures, outcomes and quality indicators, and policies and regulations to implement electronic collection and transmission of patient information and other cost-saving patient record systems; amends KRS 216B.155 to direct certain health care facilities to use the application form and guidelines for assessing credentials of those applying for privileges; amends KRS 304.17A-005 to define "basic health benefit plan" and "preventive services"; amends KRS 304.17A-545 to direct the commissioner of insurance to promulgate administrative regulations to establish uniform application form and guidelines for the evaluation and reevaluation of health care providers who will be on the plan's list of participating providers; amends KRS 304.17A-430, 304.17B-001, 304.17A-005, 304.18-114, and 304.38A-010 to conform; and amends KRS 91A.080 to exempt from the local government premium taxes high deductible health insurance policies issued in conjunction with a health savings account; EMERGENCY.

**HB 294**

AN ACT relating to the business of debt adjusting.

Amends KRS 380.010 to delete the definition of "debt adjuster" and "debtor," and define "person," "debt adjusting," and "reside"; creates new sections of KRS Chapter 380 to establish the requirements for debt adjusting; requires that persons engaging in debt

adjusting pay an initial registration fee of \$250 and renew registration annually thereafter with a fee of \$250; requires the Attorney General to promulgate administrative regulations to implement and enforce KRS Chapter 380; amends KRS 380.030 to conform; amends KRS 380.990 to provide penalties for violations of this Act; and repeals KRS 380.020.

**HB 296**

AN ACT relating to the Kentucky Commission on Autism Spectrum Disorders.

Creates new sections of KRS Chapter 194A to establish the Kentucky Commission on Autism Spectrum Disorders to develop a comprehensive state plan for an integrated system of training, treatments, and services for individuals of all ages with ASD, including a timeline to implement the plan in all geographic areas of the state; requires the commission to make recommendations to the Governor and the General Assembly regarding legislation, administrative regulations, and policies; requires the appointment of members by July 1, 2005, and the submission of the comprehensive state plan and recommendations by October 1, 2006; requires the Cabinets for Health Services and Families and Children to provide administrative support to the commission; and requires the Kentucky Council on Developmental Disabilities to appoint a subcommittee to monitor the implementation of the state plan beginning October 1, 2006, at which time the commission will cease to exist.

**HB 298**

AN ACT relating to the protection of adults.

Amends KRS 209.010 to include coordination and efficiency among agencies that respond to adult abuse, neglect, or exploitation among purposes of KRS Chapter 209 and to specify that the chapter does not apply to victims of domestic violence unless the person meets the amended definition of adult; amends KRS 209.020 to define or redefine "adult," "caretaker," "deception," "abuse," "exploitation," "investigation," "records," "neglect," and "authorized agency"; amends KRS 209.030 to permit the Cabinet for Families and Children to promulgate administrative regulations relating to the chapter and to clarify that the cabinet has primary responsibility for investigation and services relating to elder abuse; requires the cabinet, upon receipt of a report of elder abuse, neglect, or exploitation, to conduct an initial assessment and notify the appropriate law enforcement agency within 24 hours; requires immediate notice in circumstances involving an emergency or a potential crime; requires the cabinet to develop standardized procedures for notifying appropriate authorized agencies when an investigation begins and when conditions justify later notification; requires the cabinet, when practicable, to coordinate investigations with other agencies and to support specialized multidisciplinary teams with professionals who have investigative authority; permits cabinet representatives to have access to financial records in addition to other designated records in an active investigation; requires the cabinet to consult with agencies and advocacy groups to encourage information sharing, training, and awareness of adult abuse, neglect, and exploitation; requires each agency that receives notice of a report from the cabinet to submit an annual report of actions taken and the current status of investigations; requires the cabinet to summarize all reports from other agencies into an annual report to the Governor and Legislative Research Commission, although no identifying information

about individuals shall be included in the report; requires the report to include recommendations on improving investigations; creates a new section of KRS Chapter 209 to require the cabinet to provide sufficient social worker staff to implement the chapter; amends KRS 209.110 to prohibit a summons on a hearing for emergency protective services from being served upon an alleged perpetrator; amends KRS 209.130 to prohibit an ex parte protective order from the court from being served upon the alleged perpetrator; creates a new section of KRS Chapter 209 to encourage each Commonwealth's attorney's office and county attorney's office to have an attorney trained in adult abuse, neglect, and exploitation; requires Commonwealth's attorneys and county attorneys to take an active part in interviewing the adult alleged to have been abused, neglected, or exploited; encourages use of one lead prosecutor to handle a case from inception to completion; encourages the minimal involvement of the adult in legal proceedings; amends KRS 209.990 to specify penalties for the commission of elder crimes by any person, rather than any caretaker; creates a new section of KRS Chapter 209 to require the Attorney General to consult with various other professionals when developing a prosecutor's manual for Commonwealth's attorneys and county attorneys establishing procedures for the prosecution of crimes against the elderly, to be completed by January 1, 2006, and updated every 2 years thereafter; creates a new section of KRS Chapter 15 to require the Prosecutor's Advisory Council to develop educational programs on the investigation and prosecution of abuse, neglect, and exploitation of the elderly; requires a program of at least 4 hours in length to be made available to each Commonwealth's attorney, county attorney, and other designated staff within 6 months of employment; requires updates of at least 2 hours at least once every 5 years; creates a new section of KRS Chapter 15 to require the Kentucky Law Enforcement Council to approve mandatory subjects to be taught to all students attending a law enforcement basic training course to include, among others, abuse, neglect, and exploitation of the elderly; requires the council to develop and approve mandatory professional development training courses to be presented to all certified peace officers; specifies continuing education; requires the council to make an annual report to the Legislative Research Commission on the courses established; amends KRS 15.760 to require each Commonwealth's attorney who employs a victim advocate to ensure that the victim advocate completes training relating to, among other things, elder abuse, neglect, or exploitation; amends KRS 15A.190 to add adult abuse, neglect, and exploitation and other crimes to the uniform reporting form by January 1, 2006; creates a new section of KRS Chapter 21A to require the Administrative Office of the Courts to develop training relating to adult abuse, neglect, and exploitation for Circuit Judges, District Judges, and domestic relations and trial commissioners; amends KRS 21A.170 to add adult abuse, neglect, and exploitation to Circuit Judge, District Judge, and domestic relations and trial commissioner training once every 2 years; amends KRS 69.350 to require victim advocates employed by county attorneys to have training in adult abuse, neglect, and exploitation; amends KRS 194A.540 to require the cabinet to develop training on adult abuse, neglect, and exploitation for specified licensure boards; amends KRS 194B.530 to require training relating to elder abuse, neglect, and exploitation for employees of the Department for Community Based Services social workers; creates a new section of KRS Chapter 209 to permit training to be developed and accessed by computer, Internet, or other electronic technology; establishes KRS Chapter 209A and creates new sections to move relevant



provisions of KRS Chapter 209 that relate to domestic violence into this chapter; amends KRS 209.160 to conform; amends KRS 209.005 to include local and state law enforcement officials and prosecutors on the Elder Abuse Committee; expands the committee's duties to include recommending a model protocol for the joint multidisciplinary investigation of reports of suspected adult abuse, neglect, or exploitation and recommending best practices to assure timely reporting; amends KRS 61.300 and 431.005 to conform; and repeals KRS 15.331, 15.333, and 403.784.

**HB 299**

AN ACT relating to retirement.

Amends KRS 61.552, relating to purchased service in the Kentucky Retirement Systems, to permit purchase of full-time employment at a state university if the service was covered by a defined contribution plan; allows vested hazardous duty members of the Kentucky Retirement Systems to purchase credit for full-time employment with an urban-county government in positions which would qualify for hazardous duty; amends KRS 6.505 to permit a legislator who failed to elect membership in the Legislators' Retirement Plan an option to elect membership; amends KRS 6.515 to allow legislators to purchase nonqualified service ("airtime") after 15 years; amends KRS 6.520 to base final compensation for legislators on the 3 highest years of earnings; amends KRS 6.525 to provide reciprocity between the Legislators' Retirement Plan and the other state-administered plans and to allow legislators to retire after 27 years; amends KRS 21.360 to permit judges participating in KERS to join the Judicial Retirement Plan; amends KRS 21.370 to allow judges to purchase "airtime" after 15 years; amends KRS 61.510 to define the compensation used for legislators' retirement benefits as all taxable earnings; and amends KRS 61.680 to conform.

**HB 301**

AN ACT relating to instructional leadership.

Amends KRS 156.101 to require an instructional leader to complete an intensive training program of 21 hours annually, rather than the previously required 42 hours every 2 years; allows 3 to 6 hours of training credit be given for duties performed as part of a beginning teacher internship committee; requires a local school district superintendent to report annually the name of any instructional leader who fails to comply with the training requirement and to place the instructional leader on probation for 1 year; requires the Department of Education to verify training completion; requires the Department of Education to forward names of instructional leaders who fail to complete training requirements during the probationary period to the Education Professional Standards Board for certificate revocation.

**HB 304**

AN ACT relating to international adoption.

Creates a new section of KRS Chapter 199 to require the secretary of the Cabinet for Families and Children to recognize a final adoption decree from a foreign country and issue a notice that the adoption is registered in the Commonwealth; permits the secretary to require a translated copy of the foreign adoption decree if necessary; requires the cabinet to maintain all records and notices of foreign adoptions; requires adoption under

Kentucky law for a child born outside the United States if there is no final foreign decree or order, or for a child born outside the United States who does not qualify for citizenship upon entry into the United States; and amends KRS 199.470 to specify that no petition or approval of the cabinet secretary is required for a foreign adoption meeting the provisions of the new section.

**HB 308**

AN ACT relating to local property tax exemptions.

Amends KRS 132.200 to provide a definition of “biological products” and to remove biological products from assessment for local property tax; and makes the exemption effective for assessment dates on or after January 1, 2002.

**HB 309**

AN ACT relating to the transportation of manufactured homes.

Amends 189.270 to prohibit the transportation of manufactured homes by use of an overdimensional permit after daylight hours on Monday through Saturday and at any time on Sunday.

**HB 316**

AN ACT relating to limited health service benefit plans for the provision of dental-only benefits.

Creates a new section of Subtitle 17C of KRS Chapter 304 to subject limited health benefit plans to the payment of claims requirements contained in KRS 304.17A-700 to 304.17A-300, except as to time for response, reporting requirements, and payment of interest on a claim; EFFECTIVE January 1, 2006.

**HB 323**

AN ACT relating to the establishment of the Off-Road Motorcycle and ATV Commission.

Creates new sections of KRS Chapter 176 to establish an Off-Road Motorcycle and ATV Commission; establishes membership and duties of the commission; and attaches the commission to the Transportation Cabinet for administrative purposes.

**HB 335**

AN ACT relating to proof of responsibility for motor vehicle accidents.

Amends KRS 187.290 to change the definition of “proof of financial responsibility” for motor vehicle accidents to increase the damages one must be able to respond to from \$10,000 to \$25,000 for bodily injury or death on one person in any one accident, from \$20,000 to \$50,000 for bodily injury or death to two or more persons in any one accident, and from \$5,000 to \$10,000 for injury to or destruction of property of others in any one accident.

**HB 340**

AN ACT relating to access control to highways.

Creates a new section of KRS Chapter 177 to allow partial control of access on the Hal Rogers Parkway; gives the Transportation Cabinet the responsibility for



establishing minimum spacing requirements and the manner in which access is granted; and sets a minimum spacing requirement for access of 1,200 feet.

**HB 345**

AN ACT relating to nuisance abatement.

Amends KRS 381.770 to establish certain definitions and to include junked, and wrecked automobiles, vehicles, machines, and mobile homes or manufactured homes that are junked, wrecked, or nonoperative and uninhabited, and other items, excluding inoperative farm equipment, to be within the definition of prohibited items to be on property; excludes licensed automotive recycling dealers; and provides that motor vehicles associated with motor carriers are not nuisances as set out in paragraph (a) of subsection (2).

**HB 350**

AN ACT relating to the revenues and expenditures of the Commonwealth, making an appropriation therefor, and declaring an emergency.

Amends KRS 136.180 to provide that the Revenue Cabinet shall centrally assess the property of common carrier barge lines, bill and collect the property tax, and distribute the local share of the tax collected; amends KRS 136.181, 136.1877, and 136.183 to conform and to allow the Revenue Cabinet a fee for collecting the local portion of the property tax; amends KRS 136.184 to allow 45 days for protest; repeals KRS 136.186, relating to certification of the value of watercraft; provides for debt service for bonds to be used for the Letcher County Central Vocational Center, the Russell County Learning Center, the Butler County Area Vocational Center, the Louisville Science Center, the E.P. Tom Sawyer Park, and the Louisville Zoo; provides that the fund transfers provided for in 2005 HB 267 and HJR 92 relating to boards and commissions not be made; and creates a new section of KRS Chapter 424 to provide that public agencies required to advertise or publish notices be charged the lowest rate generally charged for advertising by the newspaper; EMERGENCY.

**HB 367**

An ACT relating to the Disaster Relief Funding Program and making an appropriation therefor.

Creates a new section of KRS Chapter 39A to establish a Disaster Relief Funding Program; and establishes a Disaster Relief Funding Program trust fund.

**HB 381**

AN ACT relating to trusts and estates.

Amends KRS 387.070, relating to bonding of guardians and conservators, to provide exemption from requirement of giving surety on bond when the District Court orders the assets of a ward's estate to be deposited in a restricted account as set out in KRS 387.122.

**HB 383**

AN ACT relating to faith-based initiatives.

Creates new sections of KRS Chapter 12 to define “government funding” and “social service program”; makes legislative findings; establishes the Office for Faith-Based and Community Nonprofit Social Services within the Office of the Governor; establishes principles for all government agencies to include nondiscrimination practices, separation of government-funded and religious activities, and accountability for governmental funds; requires the office to review policies affecting opportunities for funding for social services programs and to provide information and technical assistance to faith-based and nonprofit organizations and public officials; requires specified agencies to designate liaisons to the office; requires agencies to review existing policies and report to the office; prohibits the office and its policies from being contrary to state or federal law; and prohibits any preference for government funding of faith-based or nonprofit organizations.

**HB 400**

AN ACT relating to county occupational license fees and declaring an emergency.

Amends KRS 68.197 to prohibit the crediting of a city license fee against a county license fee except by agreement of the city and county as provided; prohibits a taxpayer from receiving a refund or credit for overpayment to a county if the credit or refund is attributable to KRS 68.197 as prescribed and the taxpayer seeks a credit from the county for a tax paid to a city within the county if a claim or the refund was filed or perfected after November 18, 2004; requires, in counties which have approved license fees by public referendum, license fee rates in effect on January 1, 2005, and maximum salary limits on which fees are calculated to remain unchanged unless approved by public referendum; prohibits the license fee rate from exceeding 1%; permits referendum on such questions to be placed on the ballot at nominating primary or general election; applies provisions retroactively; makes new subsection severable from section; and creates noncodified language to clarify the intent of the General Assembly relating to the crediting or refunding of local occupational fees; EMERGENCY.

**HB 424**

AN ACT relating to wireless service providers

Prohibits Public Service Commission regulation of wireless telecommunications providers; retains jurisdiction of commission over interconnection agreements, customer complaints, and cell towers; and amends KRS 278.010 to define “commercial mobile radio services.”

**HB 426**

AN ACT relating to motor vehicle license plates.

Amends KRS 186.240, regarding motor vehicle license plates, to eliminate the 5-year replating schedule; and allows the Transportation Cabinet to establish a replating schedule at its discretion.

**HB 439**

AN ACT relating to licensure and regulation of health facilities and services.

Creates a new section of KRS Chapter 216B to allow a facility with beds licensed as nursing home beds to convert licensed nursing home beds to licensed intermediate care facility beds and to exempt the conversion from the certificate of need process; prohibits any facility with more than 60 beds from converting the beds; requires any conversion to occur prior to September 1, 2005; amends KRS 142.301 to except services provided through licensed personal care beds from the definition of nursing facility services and to define "total bed capacity"; amends KRS 142.361 to revise the provider assessment against nursing facility services and to exempt state veterans nursing homes; and amends KRS 142.307 to conform.

**HB 440**

AN ACT relating to gas delivery systems and appliances.

Amends KRS 234.175 to require that installation and maintenance of gas-consuming appliances be in compliance with manufacturer and administrative requirements; limits liability of licensee for damages resulting from nonconforming installation or maintenance; and creates a new section of KRS Chapter 278 authorizing the Public Service Commission to allow gas companies to recover investment costs in natural gas pipeline replacement programs that are not currently being recovered in existing rates if those costs are deemed fair, just, and reasonable.

**HB 449**

AN ACT relating to indemnification.

Creates a new section of KRS Chapter 371 to define "construction services contract," "contractor," and "contractee"; and establishes that indemnification clauses purporting to indemnify or hold harmless another person from that person's own negligence or from the negligence of his or her contractors, agents, or employees are void and unenforceable.

**HB 460**

AN ACT relating to the Kentucky Educational Excellence Scholarship program.

Amends KRS 164.7874, 164.7877, 164.7879, 164.7881, 164.7883, and 164.7885 to move the administrative responsibility of the Kentucky Education Excellence Scholarship program from the Council on Postsecondary Education to the Kentucky Higher Education Assistance Authority; and changes reporting requirements for grades of students.

**HB 461**

AN ACT relating to the provider tax.

Amends KRS 142.301 to amend the definition of "health care items or services" and to add definitions for "regional community mental health and mental retardation services," "psychiatric residential treatment facility services," and "supports for community living waiver program"; creates new sections of KRS 142.301 to 143.363 to impose a provider tax against regional community mental health and mental retardation services, psychiatric residential treatment facility services, and Medicaid managed care

organization services; and amends KRS 142.313, 142.317, 142.321, 142.323, 142.327, 142.347, 142.351, 142.353, 142.357, and 205.640 to conform.

#### **HB 468**

AN ACT relating to poultry.

Amends KRS 257.010 to define “National Poultry Improvement Plan”; amends KRS 257.390 to clarify that poultry imported into the state for breeding purposes meet the requirements of the National Poultry Improvement Plan or other USDA plan; amends to specify that the Division of Animal Health is a part of the Office of State Veterinarian; deletes a reference to the National Turkey Improvement Plan; amends KRS 257.400 to specify that poultry imported into the state for sale meet the requirements of the National Poultry Improvement Plan or other USDA plan; deletes references to the Kentucky Poultry Improvement Plan and the Kentucky Turkey Improvement Plan; amends KRS 257.410 to clarify National Poultry Improvement Plan or other USDA plan requirements for poultry flock origination; and deletes references to the National Turkey Improvement Plan and Kentucky Poultry Improvement Association.

#### **HB 472**

AN ACT relating to uniform environmental covenants.

Creates a new subchapter of KRS Chapter 224 relating to environmental covenants; defines “activity and use limitations,” “applicant,” “cabinet,” “common interest community,” “environmental covenant,” “environmental response project,” “holder,” “indexing,” “interest,” “owner,” “person,” “public notice,” “subordination agreement,” and “servitude”; allows a person with an interest in real property subject to an environmental response project to utilize the environmental covenant in conjunction with a corrective action plan; allows any person to apply for approval of an environmental covenant; requires the cabinet to review and approve or deny all environmental covenants; establishes the basis of the cabinet’s review of an environmental covenant; requires that denial of an environmental covenant be based on reasonable grounds and that the grounds will be specified in writing; establishes obligations and responsibilities on the holder of the covenant and the cabinet if approved; establishes rules of priority with respect to interests in real property subject to an environmental covenant; establishes a subordination agreement for interests; establishes the form and content requirements for an environmental covenant; requires that the environmental covenant will run with the land; provides that the obligations imposed under an environmental covenant are not dischargeable under bankruptcy law and not reducible to monetary claim; establishes the scope of enforceability for an environmental covenant; clarifies that the environmental covenant does not prescribe a use of property prohibited by zoning or by law; establishes a list of recipients of a copy of the environmental covenant; establishes recording requirements; requires an environmental covenant to exist into perpetuity except under specific circumstances; allows the cabinet or any holder to petition the court under legal doctrine prescribed to terminate an environmental covenant; establishes a method for termination of an environmental covenant by consent of the parties; permits civil action for injunctive or other equitable relief for violation of the environmental covenant; and requires the cabinet to establish

and maintain a registry of environmental covenants and all the changes to those covenants.

**HB 494**

AN ACT relating to motor fuels taxes.

Amends KRS 134.580 to limit a motor fuels refund to fuel purchased after the effective date of the refund permit; amends KRS 138.240 to limit motor fuel exemption for sales to the federal government to bulk sales; amends 224.60-145 to extend the underground storage tank fee exclusion to include all special fuels for which a credit is provided; amends KRS 138.280 to allow a motor fuels dealer to pay by electronic funds transfer; and amends KRS 138.320 to require that a financial instrument be filed with the application for license.

**HB 495**

AN ACT relating to sales and use tax.

Amends provisions of KRS Chapter 139 enacted during the 2003 session of the General Assembly to create definitions for “mobility enhancing equipment” and “durable medical equipment” to conform to the Streamlined Sales and Use Tax Agreement; amends KRS 139.472 to continue the exemption for hospital beds purchased for private, noncommercial use; amends KRS 139.570 to clarify that vendor compensation shall only be allowed to the retailer or the certified service provider but not both; and creates a new section of KRS 139.780-.795 to exempt a seller who registers under the terms of the Streamlined Sales and Use Tax Agreement from assessment for uncollected or unpaid sales or use tax, penalty, and interest for sales made during the period the seller was not registered in Kentucky under specific circumstances.

**HB 497**

AN ACT relating to governmental operations and declaring an emergency.

Amends KRS 131.010 to define terms; amends KRS 131.130 to include examination of electronic, as well as hard-copy, records by the cabinet; creates a new section of KRS Chapter 131 to indicate when electronic records are acceptable and when they may be required; establishes standards for records and filing; creates a new section of KRS 160.613-.617 to require electronic filing and paying of utility gross receipts license taxes; amends KRS 131.190 to permit the Revenue Cabinet to share utility gross receipts license tax information with school districts; amends 2005 HB 267/EN to provide language regarding interlocal agreements between the Transportation Cabinet and local governmental units; clarifies authorization for the UK Bed Tower Project; revises language relating to enterprise zone initiatives; amends the funding source for a Morehead dorm renovation project; amends provisions relating to the equalized facility funding program to allow funding to continue for 20 years, rather than 10 years; provides that the tobacco research trust fund shall receive at least \$3,140,000 regardless of whether the half-cent cigarette tax levy produces that amount; amends Section 9 of 2005 SB 23/EN to delete the word "who" and insert the word "that"; amends KRS 139.536, 148.851, and 148.859 to provide enhanced tourism development credits for facilities located on a state or national park; amends KRS 139.470 to exempt the first \$50,000 in county fair admissions from the sales and use tax; and provides that provisions included

in reorganization bills changing names and titles shall not prevail over other amendments to the same statute section in other bills enacted during this session; EMERGENCY.

**HB 498**

AN ACT relating to the refund or recovery of taxes.

Amends KRS 134.580 and 134.590 to clarify when a refund is properly requested by a taxpayer, requires individual application for refunds; and amends KRS 160.637 to conform.

**HCR 4**

Confirms the gubernatorial appointment of Rodney Dick to the Agricultural Development Board for a term expiring July 6, 2005.

**HCR 5**

Confirms the gubernatorial appointment of H.H. Barlow to the Agricultural Development Board for a term expiring July 6, 2007.

**HCR 7**

Confirms the gubernatorial appointment of Donna M. Amburgey to the Agricultural Development Board for a term expiring July 6, 2007.

**HCR 8**

Confirms the gubernatorial appointment of Lonnie R. Anderson to the Education Professional Standards Board.

**HCR 9**

Confirms the gubernatorial appointment of Stephen H.T. Lin to the Education Professional Standards Board.

**HCR 10**

Confirms the gubernatorial appointment of Joseph Kent Juett to the Education Professional Standards Board.

**HJR 16**

Designates Shelby County as the American Saddlebred Horse Capital of the World.

**HCR 33**

Confirms the appointment of Rita Gwenn Presley to the Education Professional Standards Board.

**HCR 40**

Confirms the appointment of Kimberly S. McCann to the Governor's Postsecondary Education Nominating Committee for a term expiring April 14, 2010.

**HCR 41**

Confirms the appointment of Dr. Charles Samuel Evans to the Education Professional Standards Board.

**HCR 42**

Confirms the gubernatorial appointment of James Randolph Mahan to the Agricultural Development Board for a term expiring July 6, 2008.

**HCR 43**

Confirms the gubernatorial appointment of Dennis Bruce Griffin to the Agricultural Development Board for a term expiring July 6, 2008.

**HCR 44**

Confirms the gubernatorial appointment of John Cleaver to the Agricultural Development Board for a term expiring July 6, 2008.

**HCR 45**

Confirms the appointment of Frank Joseph Schwendeman to the Governor's Postsecondary Education Nominating Committee for a term expiring April 14, 2010.

**HCR 55**

Creates a legislative task force to examine the effect of school calendars on Kentucky's tourism industry and directs the task force to report its findings to the Legislative Research Commission no later than December 15, 2005.

**HCR 59**

Confirms the gubernatorial appointment of Phyllis Alany Maclin to the Council on Postsecondary Education for a term expiring December 31, 2009.

**HCR 60**

Confirms the gubernatorial appointment of Alois McIntyre Moore to the Council on Postsecondary Education for a term expiring December 31, 2010.

**HCR 61**

Confirms the gubernatorial appointment of Kevin Wayne Canafax to the Council on Postsecondary Education for a term expiring December 31, 2010.

**HCR 62**

Confirms the gubernatorial appointment of Danny E. Flanagan to the Council on Postsecondary Education for a term expiring December 31, 2010.

**HCR 86**

Establishes a Kentucky Sportsmen's Caucus in the Kentucky General Assembly.



**HJR 92**

Provides that the 2004-2006 State/Executive Branch Budget Memorandum has the force and effect of law.

**HJR 109**

Designates October as Civic Literacy and Engagement Month in Kentucky.

**HCR 121**

Directs the Legislative Research Commission to conduct a study on the advisability of licensing physician assistants and to report the study results to the appropriate committees by December 15, 2005.



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