

1 AN ACT to revise and correct the Kentucky Revised Statutes.

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

3 ➔Section 1. KRS 7.103 is amended to read as follows:

- 4 (1) (a) The monthly meeting schedule for interim joint committees of the Legislative
5 Research Commission shall begin on June 1 and continue through December
6 1 of each year. During that period, upon agreement of the co-chairs, an
7 interim joint committee shall have the authority to meet according to the most
8 recent regular monthly meeting schedule approved by a majority of the entire
9 membership of the Commission. With an affirmative vote of a majority of its
10 entire membership, the Commission may alter the beginning and concluding
11 dates of authorization granted in this subsection for regular monthly meetings
12 of interim joint committees during the current calendar year, authorize any
13 additional meeting of any interim joint committee, or disapprove any meeting
14 of any interim joint committee.
- 15 (b) The co-chairs of each interim joint committee shall have joint responsibility
16 for approving meeting agendas and presiding at meetings. If the co-chairs of
17 any interim joint committee cannot agree on convening a monthly meeting,
18 each co-chair, with the agreement of the presiding officer of the co-chair's
19 chamber, may convene a meeting of the interim joint committee members
20 who are members of the co-chair's chamber. If such a meeting is convened, it
21 shall be on the regular monthly meeting date of the interim joint committee,
22 and it shall be staffed by the Commission. Not more than three (3) such
23 meetings shall be convened by each co-chair in a calendar year.
- 24 (c) Subcommittees of interim joint committees shall be authorized to meet
25 according to the policies and practices of the Commission.
- 26 (2) For purposes of this section, "interim joint committees" means those subcommittees
27 of the Commission which are constituted by combining the membership of Senate

1 and House standing committees pursuant to the most recent interim joint committee
 2 structure approved by a majority of the entire membership of the Commission.
 3 After March 31, 2003, until such time as the Commission, by an affirmative vote of
 4 a majority of its entire membership, adopts a new interim joint committee structure,
 5 the most recent interim joint committee structure adopted by the Commission shall
 6 be considered to include an Interim Joint Committee on ~~[Seniors,]~~Veterans,
 7 Military Affairs, and Public Protection, consisting of the members of the Senate
 8 Standing Committee on Veterans, Military Affairs, and Public Protection and the
 9 House Standing Committee on Veterans~~[Seniors]~~, Military Affairs, and Public
 10 Protection~~[Safety]~~.

11 ➔Section 2. KRS 12.515 is amended to read as follows:

12 (1) The following agencies shall designate a liaison to the Office for Faith-Based and
 13 Community Nonprofit Social Services:

- 14 (a) The Cabinet for Health and Family Services;
- 15 (b) The Department of Workforce Development;
- 16 (c) The Department of Agriculture;
- 17 (d) The Kentucky Housing Corporation;
- 18 (e) The Education and Labor Cabinet; and
- 19 (f) The Cabinet for Economic Development~~[Cabinet]~~.

20 (2) Each agency identified in subsection (1) of this section shall, in cooperation and
 21 coordination with the Office for Faith-Based and Community Nonprofit Social
 22 Services:

- 23 (a) Review and evaluate existing policies that affect government funding
 24 opportunities for faith-based and nonprofit community organizations and
 25 report to the office, within ninety (90) days of June 20, 2005, actions
 26 necessary to implement KRS 12.510; and
- 27 (b) Amend existing policies and administrative regulations or implement new

1 policies or administrative regulations in accordance with KRS Chapter 13A
2 consistent with the principles established in KRS 12.500 to 12.520.

3 ➔Section 3. KRS 12.550 is amended to read as follows:

4 (1) The Governor's Council on Wellness and Physical Activity is hereby established
5 and authorized to operate the Governor's Wellness and Physical Activity Program,
6 Inc. for the purpose of establishing and implementing a health, wellness, and fitness
7 program for Kentucky and to promote a healthy lifestyle for all citizens of the
8 Commonwealth. The Governor's Council on Wellness and Physical Activity shall
9 be attached to the Department for Public Health for administrative purposes.

10 (a) The ex officio members of the Governor's Council on Wellness and Physical
11 Activity shall be as follows:

- 12 1. The Governor or the Governor's designee from the executive cabinet;
- 13 2. The secretary of the Cabinet for Health and Family Services or
14 designee;
- 15 3. The secretary of the Personnel Cabinet or designee;
- 16 4. The secretary of the Education and Labor Cabinet;
- 17 5. The Senate co-chair of the Interim Joint Committee on Health, ~~and~~
18 Welfare, and Family Services of the General Assembly; and
- 19 6. The House co-chair of the Interim Joint Committee on Health, ~~and~~
20 Welfare, and Family Services of the General Assembly.

21 (b) In addition to the ex officio members, the Governor shall appoint five (5)
22 council members to serve three (3) year terms on the Governor's Council on
23 Wellness and Physical Activity. Members appointed by the Governor may be
24 reappointed by the Governor to serve successive terms. In making
25 appointments, the Governor shall attempt to include individuals from different
26 geographic regions of the Commonwealth of Kentucky. The Governor shall
27 make appointments to fill vacancies as they occur. Each appointment after the

- 1 initial appointment shall be for a three (3) year term unless the appointment is
2 to fill the unexpired portion of a term.
- 3 (c) The Governor or, if so designated by the Governor, the chairman of the
4 council shall have the authority to hire, fire, and manage all personnel of the
5 Governor's Wellness and Physical Activity Program, Inc., including the
6 executive director.
- 7 (d) The council shall administer funds appropriated or gifts, donations, or funds
8 received from any source. The council may expend funds in its discretion to
9 carry out the intent of KRS 12.020, 12.023, and 12.550.
- 10 (e) The council shall closely coordinate with the Department for Public Health to
11 establish policies and procedures.
- 12 (f) The council shall select from its membership a chairman and any other
13 officers it considers essential. The council may have committees and
14 subcommittees as determined by the council.
- 15 (g) The council shall make recommendations to the Governor and secretary of the
16 Cabinet for Health and Family Services.
- 17 (h) The council shall meet quarterly or more often as necessary for the conduct of
18 its business. A majority of the members shall constitute a quorum for the
19 transaction of business. Members' designees shall have voting privileges at
20 committee meetings.
- 21 (i) Members of the council shall serve without compensation but shall be
22 reimbursed for their necessary travel expenses actually incurred in the
23 discharge of their duties on the council, subject to Finance and Administration
24 Cabinet administrative regulations.
- 25 (j) The council may establish working groups as necessary.
- 26 (k) The council shall establish the Governor's Wellness and Physical Activity
27 Program, Inc. pursuant to the requirements in KRS 12.020, 12.023, and

1 12.550.

2 (2) Funds appropriated for purposes of the program shall not lapse at the end of the
3 fiscal year.

4 (3) (a) The Governor's Wellness and Physical Activity Program, Inc. shall follow
5 standard accounting practices and shall submit the following financial reports
6 to the Office of the Governor, the Finance and Administration Cabinet, and
7 the Legislative Research Commission:

8 1. Quarterly reports of expenditures of state funds, submitted on or before
9 the thirtieth day after the end of each quarter in the corporation's fiscal
10 year;

11 2. Annual reports of receipts and expenditures for the Governor's Wellness
12 and Physical Activity Program, Inc., submitted on or before the sixtieth
13 day after the end of the fiscal year of the corporation; and

14 3. The report of an annual financial audit conducted by an independent
15 auditor, submitted on or before September 1 of each year.

16 (b) The Governor's Wellness and Physical Activity Program, Inc. shall file
17 quarterly reports with the Office of the Governor and the Legislative Research
18 Commission. The report shall include a detail of the operations of the program
19 for the preceding year. The report shall include information concerning the
20 participant demographics, number of incentives distributed, and program
21 outcomes according to such measures of success as the board may adopt.

22 ➔Section 4. KRS 14.250 is amended to read as follows:

23 (1) The Secretary of State, Finance and Administration Cabinet, the Cabinet for
24 Economic Development, and the Commonwealth Office of Technology shall jointly
25 establish a one-stop electronic business portal that shall serve as a single, unified
26 entry point for business owners to access and complete initial and ongoing state
27 services and requirements in relation to the creation or ongoing operation of a

1 business located in the Commonwealth of Kentucky. The agencies identified in this
2 subsection shall coordinate, manage, and implement the portal based on the results
3 of an assessment conducted by the One-Stop Business Portal Advisory Committee
4 under subsection (3) of this section.

5 (2) The One-Stop Business Portal Advisory Committee is hereby established to provide
6 guidance in the creation and implementation of the one-stop business portal. The
7 committee shall consist of the Secretary of State, the secretary of the Governor's
8 Executive Cabinet, the secretary of the Cabinet for Economic Development~~†~~
9 ~~Cabinet~~ or his or her designee, the secretary of the Finance and Administration
10 Cabinet or his or her designee, the secretary of the Education and Labor Cabinet or
11 his or her designee, the secretary of the Public Protection Cabinet or his or her
12 designee, the secretary of the Transportation Cabinet or his or her designee, the
13 secretary of the Tourism, Arts and Heritage Cabinet or his or her designee, and the
14 secretary of the Energy and Environment Cabinet or his or her designee. The
15 Governor may appoint other members to the committee at his or her discretion. The
16 committee shall be co-chaired by the Secretary of State and the secretary of the
17 Governor's Executive Cabinet.

18 (3) The One-Stop Business Portal Advisory Committee shall prepare an assessment
19 detailing recommendations for the creation, ongoing operation, and management of
20 the one-stop business portal, to be presented to the Governor, the Secretary of State,
21 and the Legislative Research Commission by December 31, 2011. This assessment
22 shall include the following:

23 (a) An estimate of the costs for full implementation of the portal, including those
24 associated with technology, maintenance, sharing agency data, information
25 security, and other start-up costs;

26 (b) An estimate of the costs of establishing and maintaining a call center staffed
27 with persons trained to answer questions and help businesses obtain

- 1 information and services, along with a recommendation as to where the call
2 center should be located and the number of staff necessary to operate it;
- 3 (c) Recommendations on the location, design, and functionality of the portal;
- 4 (d) Recommendations as to the roles of the state agencies identified in subsection
5 (1) of this section regarding the day-to-day operational management of the
6 portal;
- 7 (e) Recommendations on the time line for developing and testing the portal;
- 8 (f) Identification of any statutory or regulatory changes that need to be made to
9 existing law to effectuate the portal's functionality;
- 10 (g) Identification of other state agencies that possess business-related functions
11 and content so that those functions can be added to the portal;
- 12 (h) Identification of any impediments posed by federal law and recommended
13 ways to address the impediment;
- 14 (i) A comprehensive analysis of the processes of all state agencies, with a view
15 toward streamlining and reducing the paperwork necessary for businesses to
16 interact with each agency; and
- 17 (j) Recommendations on the scope of services to be provided by the portal. At a
18 minimum, services shall include:
- 19 1. Application and renewal of business-related licenses and fees incident to
20 the start-up and operation of a business;
- 21 2. Electronic payment of taxes and related costs imposed by state law
22 incident to the operation of a business;
- 23 3. Filing of documents and papers imposed by state law associated with the
24 operation of a business; and
- 25 4. Creation of individual electronic accounts for each business which
26 allows the business to monitor its filings, payments, and other business-
27 compliance activities.

- 1 (4) The One-Stop Business Portal Advisory Committee shall:
- 2 (a) Ensure that the portal has a website~~[Web site]~~ and the ability to process new
- 3 business registrations as handled by the Secretary of State's Office, and will
- 4 be in a testing phase for the Department of Revenue's tax registration
- 5 application by December 31, 2012; and
- 6 (b) Ensure that subsequent and additional online business applications maintained
- 7 by the Commonwealth shall be evaluated and prioritized.

8 ➔Section 5. KRS 15.190 is amended to read as follows:

9 County and Commonwealth's~~[Commonwealth]~~ attorneys may request in writing the

10 assistance of the Attorney General in the conduct of any criminal investigation or

11 proceeding. The Attorney General may take such action as he or she deems appropriate

12 and practicable under the circumstances in the rendering of such assistance.

13 ➔Section 6. KRS 15.300 is amended to read as follows:

14 (1) As used in this section, "consent order" means the consent order of December 21,

15 1998, agreed to in Commonwealth of Kentucky v. Philip Morris Inc. et al., Docket

16 Number 98-CI-01579, Franklin Circuit Court.

17 (2) There is created the Tobacco Master Settlement Agreement Compliance Advisory

18 Board in the Department of Law. The board shall be composed of six (6) members

19 as follows:

- 20 (a) The Attorney General, or the Attorney General's designee;
- 21 (b) The secretary of the Cabinet for Health and Family Services, or the secretary's
- 22 designee;
- 23 (c) The Commissioner of Agriculture, or the Commissioner's designee;
- 24 (d) The secretary of the Public Protection Cabinet, or the secretary's designee;
- 25 and
- 26 (e) Two (2) citizens at large appointed by the Attorney General.

27 (3) The citizen members of the board shall serve for terms of one (1) year and until

1 their successors are appointed. The citizen members shall be eligible for successive
2 terms on the board.

3 (4) The board shall annually elect a member to serve as its chair and shall meet at least
4 quarterly on a date set by the board. Board members shall be reimbursed for
5 necessary expenses incurred in serving on the board.

6 (5) The board may adopt rules governing the conduct of its meetings, the creation of
7 meeting agendas, and other procedural matters it deems necessary. The board may
8 adopt reporting forms, which shall be developed in consultation with participating
9 agencies.

10 (6) The Office of the Attorney General shall:

11 (a) Enter into a memorandum of agreement with the Department ~~for~~ Public
12 Health of the Cabinet for Health and Family Services, the Department of
13 Alcoholic Beverage Control in the Public Protection Cabinet, and the
14 Department of Agriculture to identify and report possible violations of the
15 consent order;

16 (b) Attempt to secure funding under the master settlement agreement to reimburse
17 the agencies specified in paragraph (a) of this subsection for any compliance
18 activity that they perform; and

19 (c) Provide necessary funding and staff for administrative expenses related to the
20 operation of the board. The board may request assistance from other state
21 agencies.

22 (7) The Tobacco Master Settlement Agreement Compliance Advisory Board shall:

23 (a) Identify activities for which training is required for personnel of the state
24 agencies specified in paragraph (a) of subsection (6) of this section that are
25 responsible for identifying and reporting possible violations of the consent
26 order;

27 (b) Determine eligible compliance training costs and seek reimbursement for the

1 costs; and

2 (c) Notify the appropriate tobacco manufacturer, in writing, of any alleged
3 violation of the consent order and request a response and, if applicable, a
4 corrective action plan within thirty (30) days from the date of the notice. If the
5 manufacturer fails to respond or to satisfactorily resolve the matter, the board
6 shall review the matter at its next meeting and may refer the matter to the
7 Office of the Attorney General for enforcement action, if warranted.

8 ➔Section 7. KRS 15.398 is amended to read as follows:

9 The following Kentucky Revised Statutes and any administrative regulations
10 promulgated thereunder affecting those peace officers required to be certified pursuant to
11 KRS 15.380 to 15.404 shall not be superseded by the provisions of KRS 15.380 to
12 15.404, and in all instances the provisions of all statutes specified below shall prevail:

- 13 (1) KRS Chapter 16, relating to Department of Kentucky State Police Officers;
14 (2) KRS Chapter 70, relating to sheriffs, and deputy sheriffs;
15 (3) KRS Chapter 78, relating to county police;
16 (4) KRS Chapters 15 and 95, except for KRS 95.955, relating to city and urban-county
17 police;
18 (5) KRS Chapter 183, relating to airport safety and security officers;
19 (6) KRS Chapter 164, relating to State Universities and Colleges; Regional Education
20 and Archaeology officers;
21 (7) KRS Chapter 18A, relating to all state peace officers;
22 (8) KRS 241.090, relating to Department of Alcoholic Beverage Control investigators;
23 (9) KRS 304.47-040, relating to Division of Insurance Fraud
24 Investigation~~Investigators~~; and
25 (10) Any other statutes affecting peace officers not specifically cited in this
26 section~~herein~~.

27 ➔Section 8. KRS 15A.075 is amended to read as follows:

- 1 (1) The Criminal Justice Council is hereby created within the Justice and Public Safety
2 Cabinet.
- 3 (2) The council shall undertake such research and other activities as may be authorized
4 or directed by:
- 5 (a) The secretary of the Justice and Public Safety Cabinet; or
6 (b) The General Assembly.
- 7 (3) The membership of the council shall consist of:
- 8 (a) The secretary of the Justice and Public Safety Cabinet, ex officio;
9 (b) The Attorney General or his or her designee;
10 (c) The chair of the Judiciary Committee of the House of Representatives,
11 nonvoting ex officio;
12 (d) The chair of the Judiciary Committee of the Senate, nonvoting ex officio;
13 (e) The director of the Administrative Office of the Courts, ex officio;
14 (f) The public advocate, ex officio;
15 (g) The president of the Kentucky Association of Criminal Defense Lawyers or
16 his or her designee;
17 (h) The commissioner of the Department for Behavioral Health, Developmental
18 and Intellectual Disabilities, ex officio;
19 (i) The commissioner of the Department of Kentucky State Police or his or her
20 designee;
21 (j) The commissioner of the Department of Corrections, ex officio;
22 (k) The commissioner of the Department of Juvenile Justice, ex officio; and
23 (l) Six (6) at-large members appointed by the Governor, as follows:
24 1. One (1) District Judge and one (1) Circuit Judge nominated by the Chief
25 Justice of the Kentucky Supreme Court;
26 2. One (1) member representing law enforcement;
27 3. One (1) member of the County Attorneys' Association;

- 1 4. One (1) member of the Kentucky Commonwealth's~~[Commonwealth]~~
2 Attorneys' Association; and
- 3 5. One (1) member representing community-based organizations, whether for-
4 profit or nonprofit, with experience in programs such as substance abuse
5 prevention and treatment, case management, mental health, or counseling.
- 6 (4) The chairs of the House and Senate Judiciary Committees shall serve as co-chairs.
- 7 (5) At-large members shall be appointed by August 1, 2017, and shall serve a term of
8 two (2) years, and may be reappointed.
- 9 (6) Each ex officio member, except for legislative members, may designate a proxy by
10 written notice to the council prior to call of order of each meeting, and the proxy
11 shall be entitled to participate as a full voting member.
- 12 (7) Each member of the council shall have one (1) vote. Members of the council shall
13 serve without compensation but shall be reimbursed for their expenses actually and
14 necessarily incurred in the performance of their duties. The council shall meet at
15 least quarterly. Meetings shall be held at the call of the chair, or upon the written
16 request of two (2) members to the chair.
- 17 (8) A simple majority of the members of the council shall constitute a quorum for the
18 conduct of business at a meeting.
- 19 (9) The council is authorized to establish committees and appoint additional persons
20 who may not be members of the council, as necessary to effectuate its purposes.
- 21 (10) The council's administrative functions shall be performed by the executive director
22 of the Office of Legislative and Intergovernmental Services, appointed by the
23 secretary of the Justice and Public Safety Cabinet and supported by the
24 administrative, clerical, and other staff as allowed by budgetary limitations and as
25 needed to fulfill the council's role and mission and to coordinate its activities.

26 ➔Section 9. KRS 16.220 is amended to read as follows:

- 27 (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to

1 KRS 500.090, all firearms confiscated by the Department of Kentucky State Police
2 and not retained for official use pursuant to KRS 500.090 shall be sold at public
3 auction to federally licensed firearms dealers holding a license appropriate for the
4 type of firearm sold. Any provision of KRS Chapter 45 or 45A relating to
5 disposition of property to the contrary notwithstanding, the Department of
6 Kentucky State Police shall:

- 7 (a) Conduct any auction specified by this section;
- 8 (b) Retain for departmental use twenty percent (20%) of the gross proceeds from
9 any auction specified by this section; and
- 10 (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office
11 of Homeland Security for use as provided in subsection (4) of this section.

12 (2) Prior to the sale of any firearm, the Department of Kentucky State Police shall
13 make an attempt to determine if the firearm to be sold has been stolen or otherwise
14 unlawfully obtained from an innocent owner and return the firearm to its lawful
15 innocent owner, unless that person is ineligible to purchase a firearm under federal
16 law.

17 (3) The Department of Kentucky State Police shall receive firearms and ammunition
18 confiscated by or abandoned to every law enforcement agency in Kentucky. The
19 department shall dispose of the firearms received in the manner specified in
20 subsection (1) of this section. However, firearms which are not retained for official
21 use, returned to an innocent lawful owner, or transferred to another government
22 agency or public museum shall be sold as provided in subsections (1) and (3) of this
23 section.

24 (4) The proceeds of firearms sales shall be utilized by the Kentucky Office of
25 Homeland Security to provide grants to city, county, charter county, unified local
26 government, urban-county government, and consolidated local government police
27 departments; university safety and security departments organized pursuant to KRS

1 164.950; school districts that employ special law enforcement officers as defined in
2 KRS 61.900; and sheriff's departments for the purchase of:

- 3 (a) Body armor for sworn peace officers of those departments and service
4 animals, as defined in KRS 525.010, of those departments;
- 5 (b) Firearms or ammunition;
- 6 (c) Electronic control devices, electronic control weapons, or electro-muscular
7 disruption technology; and
- 8 (d) Body-worn cameras.

9 In awarding grants under this section, the Kentucky Office of Homeland Security
10 shall give first priority to providing and replacing body armor and second priority to
11 providing firearms and ammunition, with residual funds available for the purchase
12 of body-worn cameras, electronic control devices, electronic control weapons, or
13 electro-muscular disruption technology. Body armor purchased by the department
14 receiving grant funds shall meet or exceed the standards issued by the National
15 Institute of Justice for body armor. No police or sheriff's department shall apply for
16 a grant to replace existing body armor unless that body armor has been in actual use
17 for a period of five (5) years or longer. Any department applying for grant funds for
18 body-worn cameras shall develop a policy for their use and shall submit that policy
19 with its application for the grant funds to the Office of Homeland Security as part of
20 the application process.

21 (5) The Department of Kentucky State Police may transfer a machine gun, short-
22 barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any
23 other weapon, or destructive device as defined by the National Firearms Act which
24 is subject to registration under the National Firearms Act and is not properly
25 registered in the national firearms transfer records for those types of weapons, to the
26 Bureau of Alcohol, Tobacco, ~~and~~ Firearms, and Explosives of the United States
27 Department of Justice, after a reasonable attempt has been made to transfer the

1 firearm to an eligible state or local law enforcement agency or to an eligible
2 museum and no eligible recipient will take the firearm or weapon. National
3 Firearms Act firearms and weapons which are properly registered and not returned
4 to an innocent lawful owner or retained for official use as provided in this section
5 shall be sold to properly licensed dealers under subsection (3) of this section.

6 ➔Section 10. KRS 21A.190 is amended to read as follows:

7 (1) The General Assembly respectfully requests that the Supreme Court of Kentucky
8 institute a pilot project to study the feasibility and desirability of the opening or
9 limited opening of court proceedings, except for proceedings related to sexual
10 abuse, to the public which are related to:

11 (a) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and

12 (b) Termination of parental rights proceedings under KRS Chapter 625.

13 (2) (a) The pilot project may be established in a minimum of three (3) diverse
14 judicial districts or judicial circuits or a division or divisions thereof chosen
15 by the Chief Justice.

16 (b) A pilot project authorized by this subsection shall not be established in a
17 judicial district or judicial circuit or a division thereof when objected to by the
18 applicable judge or county attorney.

19 (3) The pilot project shall:

20 (a) Require participating courts to be presumptively open;

21 (b) Last for four (4) years, unless extended or limited by the General Assembly;
22 and

23 (c) Be monitored and evaluated by the Administrative Office of the Courts to
24 determine:

25 1. Whether there are adverse effects resulting from the opening of certain
26 proceedings or release of records;

27 2. Whether the pilot project demonstrates a benefit to the litigants;

- 1 3. Whether the pilot project demonstrates a benefit to the public;
- 2 4. Whether the pilot project supports a determination that such proceedings
- 3 should be presumptively open;
- 4 5. Whether the pilot project supports a determination that such proceedings
- 5 should be closed;
- 6 6. How open proceedings under the pilot project impact the child;
- 7 7. The parameters and limits of the program;
- 8 8. Suggestions for the operation and improvement of the program;
- 9 9. Rules changes which may be needed if the program is to be made
- 10 permanent and expanded to all courts; and
- 11 10. Recommendations for statutory changes which may be needed if the
- 12 program is to be made permanent and expanded to all courts.

13 (4) The Administrative Office of the Courts:

- 14 (a) Shall provide an annual report to the Legislative Research Commission and
- 15 the Interim Joint Committee on Judiciary by September 1 of each year the
- 16 program is in operation with statistics, findings, and recommendations; and
- 17 (b) May make periodic progress reports and statistical reports and provide
- 18 suggestions to the Interim Joint Committee on Health, ~~and~~ Welfare, and
- 19 Family Services and to the Interim Joint Committee on Judiciary when
- 20 determined necessary by the Chief Justice.

21 ➔Section 11. KRS 29A.040 is amended to read as follows:

- 22 (1) A list of all persons over the age of eighteen (18) and holding personal
- 23 identification cards under KRS 186.4122 or valid driver's licenses which were
- 24 issued in the county, of the names and addresses of all persons filing Kentucky
- 25 resident individual income tax returns which show an address in the county, and of
- 26 all persons registered to vote in the county shall constitute a master list of
- 27 prospective jurors for a county.

1 (2) The Administrative Office of the Courts shall at least annually acquire an electronic
2 copy of the list of personal identification cards issued under KRS 186.4122 and the
3 driver's license list from the Transportation Cabinet, an electronic copy of the tax
4 roll described in subsection (1) of this section from the Department of Revenue, and
5 an electronic copy of the voter registration lists from the State Board of Elections.
6 In addition, the Administrative Office of the Courts shall at least annually acquire a
7 listing of deceased persons from the Vital Statistics Branch in the Department
8 ~~for~~ of Public Health. The Transportation Cabinet, the Department of Revenue, the
9 State Board of Elections, and the Vital Statistics Branch and those public officers or
10 employees having custody, possession, or control of any of the lists required under
11 this section shall annually furnish a copy of the list to the Administrative Office of
12 the Courts without charge.

13 (3) The Administrative Office of the Courts shall merge the lists required by
14 subsections (1) and (2) of this section in a manner designed to create an accurate
15 listing of all persons eligible for jury service. The Administrative Office of the
16 Courts may purge names from the master list upon reasonable evidence of death,
17 change of state residence, change of county residence, or any other reason causing a
18 person to be ineligible for jury service as found in KRS 29A.080.

19 (4) Any person who comes into possession of the Kentucky income tax names and
20 addresses as provided in this section shall be bound by the confidentiality
21 provisions of KRS 131.190.

22 ➔Section 12. KRS 36.476 is amended to read as follows:

23 Each year between August 15 and September 1, the military family assistance trust fund
24 board shall provide a written report to the Governor, the Legislative Research
25 Commission, and the Interim Joint Committee on ~~Seniors,~~ Veterans, Military Affairs,
26 and Public Protection. The written report shall provide:

27 (1) The board's activities during the previous fiscal year;

- 1 (2) What moneys were spent out of the military family assistance trust fund for what
- 2 purposes;
- 3 (3) The amount of money left in the fund; and
- 4 (4) Any recommendations for future initiatives with regard to the trust fund and its
- 5 administration.

6 ➔Section 13. KRS 39A.050 is amended to read as follows:

- 7 (1) The Division of Emergency Management shall coordinate for the Governor all
- 8 matters pertaining to the comprehensive emergency management program and
- 9 disaster and emergency response of the Commonwealth. The division shall be the
- 10 executive branch agency of state government having primary jurisdiction,
- 11 responsibility, and authority for the planning and execution of disaster and
- 12 emergency assessment, mitigation, preparedness, response, and recovery for the
- 13 Commonwealth; the coordination of all disaster and emergency response by and
- 14 between all state agencies, all agencies of city, county, and urban-county or charter
- 15 county government, all local entities, and all political subdivisions of the
- 16 Commonwealth for an emergency, declared emergency, disaster, or catastrophe as
- 17 contemplated in KRS 39A.010, 39A.020, or 39A.030; the coordination of, and
- 18 liaison with, related or concerned federal government agencies, elected officials of
- 19 other states, private organizations or private sector companies dealing with disaster
- 20 and emergency response; the coordination of all recovery operations and mitigation
- 21 initiatives subsequent to disasters or emergencies; and the coordination of all public
- 22 information activities regarding state government disaster and emergency response
- 23 operations.
- 24 (2) The Division of Emergency Management shall have and exercise the following
- 25 powers, authorities, and duties:
 - 26 (a) To develop, administer, and maintain a statewide comprehensive emergency
 - 27 management program for the Commonwealth, and through it an integrated

1 emergency management system for the disaster and emergency response of
2 the Commonwealth, which shall be coordinated with the emergency
3 management programs, and other related public safety, emergency response,
4 mitigation, or disaster recovery programs, of all appropriate federal
5 government agencies including the Federal Emergency Management Agency,
6 the federal Department of Homeland Security, the State Department, the
7 Federal Aviation Administration, the Centers for Disease Control and
8 Prevention, the Department of Transportation, the Environmental Protection
9 Agency, the Occupational Safety and Health Administration, the Department
10 of Defense, the National Oceanic and Atmospheric Administration, the
11 Department of Justice, the Bureau of Alcohol, Tobacco, ~~and~~ Firearms, **and**
12 **Explosives**, the National Transportation Safety Board, the Chemical Safety
13 and Hazard Investigation Board, the Army Corps of Engineers, the National
14 Security Council, the Department of Health and Human Services, the Federal
15 Railroad Administration, the United States Geological Survey, the
16 Department of Energy, the Nuclear Regulatory Commission, the Department
17 of Agriculture, the Department of Housing and Urban Development, the
18 American Red Cross, the other states, and other appropriate public or private
19 agencies, to the fullest appropriate extent;

20 (b) To coordinate the development, implementation, and maintenance of
21 comprehensive emergency management programs by local emergency
22 management agencies in the cities, counties, and urban-county or charter
23 county governments of the Commonwealth to ensure that all such programs,
24 agencies, and organizations are organized, administered, and operated as
25 functional components of the integrated emergency management system of
26 the Commonwealth;

27 (c) To develop and maintain a comprehensive, risk-based, all-hazards disaster

1 and emergency response plan entitled "Kentucky Emergency Operations
2 Plan," the provisions of which shall establish the organizational structure to be
3 utilized by state government for managing disaster and emergency response,
4 and set forth the policies, procedures, and guidelines for the coordination and
5 execution of all disaster and emergency response for an emergency, declared
6 emergency, disaster, or catastrophe in the Commonwealth. The Kentucky
7 Emergency Operations Plan shall be submitted to the Governor for approval
8 when the Governor assumes office following each gubernatorial election, or at
9 other times as the director deems appropriate. The Governor shall provide
10 written approval of the Kentucky Emergency Operations Plan through
11 issuance of an executive order, and the division shall file a copy of the
12 executive order with the Legislative Research Commission. The Kentucky
13 Emergency Operations Plan shall be the primary strategic disaster and
14 emergency response planning component of the integrated emergency
15 management system of the Commonwealth, and shall be utilized and followed
16 by all state agencies, all local government agencies, all local public agencies
17 or entities, and all other political subdivisions of the Commonwealth which
18 may be involved in disaster and emergency response in the Commonwealth.
19 The Kentucky Emergency Operations Plan shall be updated by the division
20 not less than annually;

- 21 (d) To maintain and operate the State Emergency Operations Center facility,
22 which shall be the official and primary state government twenty-four (24)
23 hour warning point, communications, and command center, from which the
24 Governor, cabinet secretaries, department heads, and other state agency
25 officials can, at any time, rapidly, adequately, and effectively manage the
26 disaster and emergency response of the Commonwealth. The State Emergency
27 Operations Center facility shall be the primary state direction and control

- 1 component of the integrated emergency management system of the
2 Commonwealth for the coordination of all disaster and emergency response in
3 the Commonwealth;
- 4 (e) To develop, monitor, and operate, on a twenty-four (24) hour per day basis,
5 the appropriate alerting or warning systems, public safety telecommunications
6 systems, or radio networks; any state trunked, fiber, or interactive
7 communication systems; computer, fax, other telecommunications or
8 information networks; and systems needed for communication and
9 coordination with all necessary or appropriate federal, state, or local public
10 safety, law enforcement, emergency management, or other disaster and
11 emergency response agencies, and state or local dispatch centers in the
12 Commonwealth, and other appropriate interests, and through these agencies
13 and systems to receive or disseminate emergency information, or to receive
14 timely notification of, and continual assessment of, all threatened or actual
15 emergency incidents or disaster situations occurring anywhere in or near the
16 Commonwealth;
- 17 (f) To immediately notify the Governor, the adjutant general, and the executive
18 director of the Kentucky Office of Homeland Security, or his or her designee,
19 in the event of any major emergency incidents or disaster occurrences, or the
20 threatened or impending occurrence of any of these events, and to keep the
21 Governor, the adjutant general, and the executive director of the Kentucky
22 Office of Homeland Security, or his or her designee, informed of all actions
23 being taken in response to these events;
- 24 (g) To respond to the scenes of emergencies or disasters, or their threatened or
25 impending occurrence and to directly and immediately investigate, analyze,
26 and assess the nature and seriousness of these situations; to convene meetings,
27 gather information, conduct briefings, and evaluate ongoing emergency

- 1 response activities; take actions to execute the appropriate provisions of the
2 Kentucky Emergency Operations Plan; coordinate the establishment and
3 operation of a state incident management system; establish or manage sub-
4 state or area emergency operations centers, or on-scene command posts; and
5 fully expedite and coordinate the disaster and emergency response of the
6 Commonwealth;
- 7 (h) To establish and operate area field offices of the division, each office to be
8 headed by an area manager, responsible for administering the policies, plans,
9 programs, and duties of the division in specific geographic areas of the
10 Commonwealth, including the coordination of comprehensive emergency
11 management programs developed by the cities, counties, urban-county, or
12 charter county governments in the areas;
- 13 (i) To provide funds to the cities, counties, and urban-county or charter county
14 governments of the Commonwealth to support the development,
15 administration, operation, and maintenance of local emergency management
16 agencies created pursuant to KRS Chapters 39A to 39F;
- 17 (j) To require the regular submission of program administration data, records,
18 materials, reports, or documents from local emergency management agencies
19 as may be necessary and sufficient to conduct performance reviews and
20 assessments to ensure compliance with all state or federal funding and
21 program requirements, and to ensure local program compatibility and
22 consistency with the mission, goals, and objectives of the comprehensive
23 emergency management program and integrated emergency management
24 system of the Commonwealth;
- 25 (k) To ascertain the requirements of the Commonwealth and its cities and
26 counties for emergency resources and the necessities of life in the event of
27 disaster or emergency; institute an emergency resource management plan and

1 procure emergency supplies, materials, and equipment; and use or employ in
2 time of emergency any of the property, services, and resources of state or
3 local government in the Commonwealth for the purposes set forth in KRS
4 Chapters 39A to 39F;

5 (l) To institute public information and education programs, emergency
6 management training programs, and exercise programs to test and evaluate
7 emergency operations plans and disaster and emergency response and
8 recovery capabilities; and

9 (m) To promulgate administrative regulations to carry out the provisions of KRS
10 Chapters 39A to 39F.

11 ➔Section 14. KRS 39G.010 is amended to read as follows:

12 (1) The Kentucky Office of Homeland Security shall be attached to the Office of the
13 Governor and shall be headed by an executive director appointed by the Governor.

14 (2) The executive director shall:

15 (a) Publicize the findings of the General Assembly stressing the dependence on
16 Almighty God as being vital to the security of the Commonwealth by
17 including the provisions of KRS 39A.285(3) in its agency training and
18 educational materials. The executive director shall also be responsible for
19 prominently displaying a permanent plaque at the entrance to the state's
20 Emergency Operations Center stating the text of KRS 39A.285(3);

21 (b) Establish and chair an interagency working group composed of the chair of
22 the Senate Veterans, Military Affairs, and Public Protection Committee, the
23 chair of the House of Representatives Veterans~~[Seniors]~~, Military Affairs, and
24 Public Protection~~[Safety]~~ Committee, state agency representation, and private
25 agency representation. The working group shall have the purpose of
26 identifying risks and needs and making a complete assessment of the
27 preparedness of the Commonwealth to respond to acts of war or terrorism,

- 1 including nuclear, biological, chemical, electromagnetic pulse, agro-, eco-, or
2 cyber-terrorism;
- 3 (c) Serve as the State Appointed Administrator for the United States Department
4 of Homeland Security;
- 5 (d) Implement all homeland security presidential and gubernatorial directives,
6 including directives pertaining to state and local compliance with the National
7 Incident Management System;
- 8 (e) Coordinate the efforts of the Kentucky Office of Homeland Security with the
9 efforts of the federal Department of Homeland Security;
- 10 (f) Accept and allocate any homeland security funds in compliance with
11 applicable federal and state laws and administrative regulations; and
- 12 (g) Inform the members of the General Assembly of the process by which a
13 public agency applies for a federal homeland security grant and shall provide
14 the following information to the members at least ninety (90) days before an
15 application deadline:
- 16 1. The application deadline;
- 17 2. How a public agency can obtain an application form;
- 18 3. How a public agency can obtain assistance in filling out an application
19 form; and
- 20 4. Any other information that would be helpful to a public agency
21 interested in applying for a federal homeland security grant.
- 22 (3) The executive director may delegate responsibilities created under this section to
23 another executive branch agency.
- 24 (4) The Kentucky Office of Homeland Security shall:
- 25 (a) Develop and publish a comprehensive statewide homeland security strategy
26 that coordinates state and local efforts to detect, deter, mitigate, and respond
27 to a terrorist incident;

- 1 (b) Develop a comprehensive strategy addressing how state and federal funds and
2 other assistance will be allocated within the state to purchase specialized
3 equipment required to prevent and respond effectively and safely to terrorist
4 incidents;
- 5 (c) Urge the state and local governments to exceed minimum federal
6 requirements for receiving assistance in preparing to respond to acts of war or
7 terrorism in the hope that the Commonwealth will become a national leader in
8 this preparation;
- 9 (d) Provide information explaining how individuals and private organizations,
10 including volunteer and religious organizations, can best prepare for and
11 respond to incidents contemplated by this section and to other threatened,
12 impending, or declared emergencies and whom to contact should they desire
13 to volunteer help or services during such an emergency. The program shall
14 identify and encourage these private organizations to specifically commit to
15 provide food, shelter, personnel, equipment, materials, consultation, and
16 advice, or other services needed to respond to these incidents;
- 17 (e) Administer the Kentucky Intelligence Fusion Center and coordinate its
18 operations with other federal, state, and local agencies;
- 19 (f) 1. Form the Commonwealth Activity Taxonomy System (CATS)
20 Committee to develop and oversee a system of evaluating special events
21 to determine, plan, mitigate, and respond to risks and threats to the
22 Commonwealth.
- 23 2. The committee shall consist of members from no fewer than five (5)
24 state agencies, including:
- 25 a. Kentucky Office of Homeland Security;
- 26 b. Kentucky Division of Emergency Management;
- 27 c. Kentucky National Guard; and

- 1 d. Kentucky State Police.
- 2 3. The committee shall establish a quantitative system to identify and rank
- 3 state public events, maintain public safety, and protect public property.
- 4 4. Membership shall be determined by the state agencies identified in
- 5 subparagraph 2. of this paragraph, and the executive director of the
- 6 Kentucky Office of Homeland Security shall appoint other members as
- 7 necessary.
- 8 5. The committee shall elect a chair and a vice chair from its members who
- 9 shall serve in those capacities for a term of two (2) years. A majority of
- 10 the committee shall constitute a quorum for the purposes of conducting
- 11 business.
- 12 6. The committee shall meet when called by the chair, or at the request of
- 13 the executive director of the Kentucky Office of Homeland Security;
- 14 and
- 15 (g) Promulgate any administrative regulations necessary to carry out the
- 16 provisions of this chapter.
- 17 (5) The adjutant general, or his or her designee, shall concurrently notify the Governor
- 18 and the executive director of the Office of Homeland Security of a disaster or
- 19 emergency involving homeland security. The adjutant general, or his or her
- 20 designee, shall be the Governor's primary point of contact for managing and
- 21 responding to a disaster or emergency involving homeland security.
- 22 ➔Section 15. KRS 39G.030 is amended to read as follows:
- 23 (1) Each year by November 1, the executive director of the Kentucky Office of
- 24 Homeland Security shall submit a written report to the Governor, the Auditor of
- 25 Public Accounts, the Legislative Research Commission, and the Interim Joint
- 26 Committee on ~~Seniors,~~ Veterans, Military Affairs, and Public Protection. The
- 27 written report shall:

1 ~~(a)(1)~~ Assess the Commonwealth's preparedness to respond to acts of war or
2 terrorism, including nuclear, biological, chemical, electromagnetic pulse,
3 agro-, eco-, or cyber-terrorism;

4 ~~(b)(2)~~ Identify the priority of needs, areas of improvement, and the overall
5 progress made with regard to the Commonwealth's preparedness; and

6 ~~(c)(3)~~ Provide a record of all federal homeland security funding, including
7 grants, gathered under KRS 39G.020 since the last annual written report, as
8 well as any other relevant homeland security funding information gathered by
9 the Kentucky Office of Homeland Security. The record shall identify, at a
10 minimum, the specific federal source, the amount, the specific recipient, the
11 intended use of the funding, the actual use of the funding, and any unspent
12 amount.

13 ~~(2)(4)~~ The Auditor of Public Accounts shall conduct an examination of revenues and
14 expenditures provided under the annual written report and under KRS
15 39G.020(2)(c) and, if examination findings warrant, shall conduct audits. No later
16 than January 30, the Auditor shall submit all examination and audit reports to the
17 Senate Veterans, Military Affairs, and Public Protection Committee and the House
18 Veterans~~Seniors~~, Military Affairs, and Public Protection~~Safety~~ Committee.

19 ~~(3)(5)~~ (a) In addition to the annual report required under **subsection (1) of** this
20 section, the executive director of the Office of Homeland Security shall
21 provide to the Legislative Research Commission and the Interim Joint
22 Committee on Appropriations and Revenue a quarterly report on the receipt
23 and expenditure of homeland security funds since the previous quarterly
24 report.

25 (b) The report shall identify, at a minimum, the following:

- 26 1. Amount and specific source of any homeland security funds received;
- 27 2. Specific expenditures by amount, recipient, and intended or actual use;

1 and

2 3. Balance of funds remaining in the account.

3 (c) The initial quarterly report shall be submitted by October 15, 2006, and shall
4 contain the required information on receipts and expenditures since the
5 passage of the federal Homeland Security Act of 2002, Pub. L. No. 107-296.

6 ➔Section 16. KRS 42.454 is amended to read as follows:

7 (1) As used in this section:

8 (a) "Authority" means the Kentucky Coal Fields Endowment Authority;

9 (b) "Board" means the chair, vice chair, and secretary-treasurer of the authority;

10 (c) "Chair" means the chair of the Kentucky Coal Fields Endowment Authority;

11 (d) "Commissioner" means the commissioner of the Department for Local
12 Government; and

13 (e) "Eligible counties" means counties of the Commonwealth of Kentucky
14 participating in the local government economic development fund on June 29,
15 2017, and those that participated on January 1, 2016.

16 (2) The authority shall consist of seven (7) persons, who shall be selected as follows:

17 (a) Two (2) persons, appointed by the Governor, from counties located within the
18 Eastern Coal Field;

19 (b) Two (2) persons, appointed by the Governor, from counties located within the
20 Western Coal Field;

21 (c) Two (2) persons, appointed by the Governor, possessing experience and
22 expertise in finance and investment; and

23 (d) The commissioner or the commissioner's proxy.

24 (3) Two (2) members initially appointed to the authority shall have a term of one (1)
25 year each, two (2) members initially appointed to the authority shall have a term of
26 two (2) years each, and two (2) members initially appointed to the authority shall
27 have a term of three (3) years each, except that any person appointed to fill a

1 vacancy shall serve only for the remainder of the unexpired term. All subsequent
2 appointments shall be for a term of three (3) years.

3 (4) The board members are hereby determined to be officers and agents of the
4 Commonwealth of Kentucky and, as such, shall enjoy the same immunities from
5 suit for the performance of their official acts as do other officers of the
6 Commonwealth of Kentucky.

7 (5) If any member or officer of the authority shall be interested in, either directly or
8 indirectly, or shall be an officer of, employee of, or have an ownership interest in
9 any firm or corporation interested directly or indirectly in any project funded by the
10 authority, the interest shall be disclosed clearly in the application and shall be set
11 forth in the minutes of the authority, and the member or officer having an interest
12 therein shall not participate in the application process.

13 (6) Any person appointed to the authority shall be eligible for reappointment.

14 (7) The members of the authority shall elect biennially from the authority's membership
15 the following offices: chair, vice chair, secretary-treasurer, and any assistant
16 secretaries and assistant treasurers the authority deems necessary. The
17 commissioner shall not be eligible to hold any of these offices.

18 (8) A majority of the members of the authority, determined by excluding any existing
19 vacancies from the total number of members, shall constitute a quorum. A majority
20 vote of the members present at a duly called meeting of the authority shall be
21 required for the purposes of conducting its business and exercising its powers and
22 for all other purposes.

23 (9) The authority shall prepare bylaws and procedures applicable to the operation of the
24 authority and submit them to the commissioner to be promulgated as administrative
25 regulations in accordance with KRS Chapter 13A.

26 (10) Members of the authority shall be entitled to reimbursement for all necessary
27 expenses in connection with the performance of their duties.

- 1 (11) The authority shall meet twice annually and at other times upon call of the chair or
2 a majority of the board to discuss and vote on funding for projects in eligible
3 counties permitted to receive moneys from the authority under KRS 42.453(2).
- 4 (12) The authority may invest any and all of the assets of the fund in:
- 5 (a) Obligations and contracts for future delivery of obligations backed by the full
6 faith and credit of the United States or a United States government agency,
7 including but not limited to:
- 8 1. United States Treasury;
 - 9 2. Export-Import Bank of the United States;
 - 10 3. United States Department of Agriculture Rural Development ~~Farmers~~
11 ~~Home Administration~~];
 - 12 4. Government National Mortgage Corporation; and
 - 13 5. Merchant Marine bonds;
- 14 (b) Obligations of any corporation of the United States government or
15 government-sponsored enterprise, including but not limited to:
- 16 1. Federal Home Loan Mortgage Corporation;
 - 17 2. Federal Farm Credit Banks:
 - 18 a. Bank for Cooperatives;
 - 19 b. Federal Intermediate Credit Banks; and
 - 20 c. Federal Land Banks;
 - 21 3. Federal Home Loan Banks;
 - 22 4. Federal National Mortgage Association; and
 - 23 5. Tennessee Valley Authority obligations;
- 24 (c) Collateralized or uncollateralized certificates of deposit, issued by banks rated
25 in one (1) of the three (3) highest categories by a nationally recognized
26 statistical rating organization or other interest-bearing accounts in depository
27 institutions chartered by this state or by the United States, except for shares in

- 1 mutual savings banks;
- 2 (d) Bankers acceptances for banks rated in the highest short-term category by a
3 nationally recognized statistical rating organization;
- 4 (e) Commercial paper rated in the highest short-term category by a nationally
5 recognized statistical rating organization;
- 6 (f) Securities issued by a state or local government, or any instrumentality or
7 agency thereof, in the United States, and rated in one (1) of the three (3)
8 highest long-term categories by a nationally recognized statistical rating
9 organization;
- 10 (g) United States denominated corporate, Yankee, and Eurodollar securities,
11 excluding corporate stocks, issued by foreign and domestic issuers, including
12 sovereign and supranational governments, rated in one (1) of the three (3)
13 highest long-term categories by a nationally recognized statistical rating
14 organization;
- 15 (h) Asset-backed securities rated in the highest category by a nationally
16 recognized statistical rating organization;
- 17 (i) Shares of mutual funds, each of which shall have the following
18 characteristics:
- 19 1. The mutual fund shall be an open-end diversified investment company
20 registered under Federal Investment Company Act of 1940, as amended;
- 21 2. The management company of the investment company shall have been
22 in operation for at least five (5) years; and
- 23 3. The mutual fund shall be rated in the highest category by a nationally
24 recognized statistical rating organization; and
- 25 (j) State and local delinquent property tax claims which upon purchase shall
26 become certificates of delinquency secured by interests in real property not to
27 exceed twenty-five million dollars (\$25,000,000) in the aggregate. For any

1 certificates of delinquency that have been exonerated pursuant to KRS
2 132.220(5), the Department of Revenue shall offset the loss suffered by the
3 Finance and Administration Cabinet against subsequent local distributions to
4 the affected taxing districts as shown on the certificate of delinquency.

5 ➔Section 17. KRS 42.500 is amended to read as follows:

- 6 (1) There shall be a State Investment Commission composed of:
- 7 (a) The State Treasurer who shall be chairman;
- 8 (b) The secretary of the Finance and Administration Cabinet;
- 9 (c) The state controller; and
- 10 (d) Two (2) persons appointed by the Governor.
- 11 (2) The individuals appointed by the Governor shall be selected as follows: one (1) to
12 be selected from a list of five (5) submitted to the Governor by the Kentucky
13 Bankers Association, and one (1) to be selected from a list of five (5) submitted to
14 the Governor by the Independent Community Bankers Association.
- 15 (3) The State Investment Commission shall meet at least quarterly to review investment
16 performance and conduct other business. This provision shall not prohibit the
17 commission from meeting more frequently as the need arises.
- 18 (4) The State Treasurer and secretary of the Finance and Administration Cabinet shall
19 each have the authority to designate, by an instrument in writing over his or her
20 signature and filed with the secretary of the commission as a public record of the
21 commission, an alternate with full authority to:
- 22 (a) Attend in the member's absence, for any reason, any properly convened
23 meeting of the commission; and
- 24 (b) Participate in the consideration of, and vote upon, business and transactions of
25 the commission.
- 26 Each alternate shall be a person on the staff of the appointing member or in the
27 employ of the appointing member's state agency or department.

- 1 (5) Any designation of an alternate may, at the appointing member's direction:
- 2 (a) Be limited upon the face of the appointing instrument to be effective for only
- 3 a specific meeting or specified business;
- 4 (b) Be shown on the face of the appointing instrument to be a continuing
- 5 designation, for a period of no more than four (4) years, whenever the
- 6 appointing member is unable to attend; or
- 7 (c) Be revoked at any time by the appointing member in an instrument in writing,
- 8 over his or her signature, filed with the secretary of the commission as a
- 9 public record of the commission.
- 10 (6) Any person transacting business with, or materially affected by, the business of the
- 11 commission may accept and rely upon a joint certificate of the secretary of the
- 12 commission and any member of the commission concerning the designation of any
- 13 alternate, the time and scope of the designation, and, if it is of a continuing nature,
- 14 whether and when the designation has been revoked. The joint certificate shall be
- 15 made and delivered to the person requesting it within a reasonable time after it has
- 16 been requested in writing, with acceptable identification of the business or
- 17 transaction to which it refers and the requesting person's interest in the business or
- 18 transaction.
- 19 (7) Any three (3) persons who are members of the commission or alternates authorized
- 20 under subsections (4) and (5) of this section shall constitute a quorum and may, by
- 21 majority vote, transact any business of the commission. Any three (3) members of
- 22 the commission may call a meeting.
- 23 (8) The provisions of KRS 61.070 shall not apply to members of the commission.
- 24 (9) The commission shall have authority and may, if in its opinion the cash in the State
- 25 Treasury is in excess of the amount required to meet current expenditures, invest
- 26 any and all of the excess cash in:
- 27 (a) Obligations and contracts for future delivery of obligations backed by the full

1 faith and credit of the United States or a United States government agency,
2 including but not limited to:

- 3 1. United States Treasury;
- 4 2. Export-Import Bank of the United States;
- 5 3. United States Department of Agriculture Rural Development~~[Farmers~~
6 ~~Home Administration]~~;
- 7 4. Government National Mortgage Corporation; and
- 8 5. Merchant Marine bonds;

9 (b) Obligations of any corporation of the United States government or
10 government-sponsored enterprise, including but not limited to:

- 11 1. Federal Home Loan Mortgage Corporation;
- 12 2. Federal Farm Credit Banks:
 - 13 a. Bank for Cooperatives;
 - 14 b. Federal Intermediate Credit Banks; and
 - 15 c. Federal Land Banks;
- 16 3. Federal Home Loan Banks;
- 17 4. Federal National Mortgage Association; and
- 18 5. Tennessee Valley Authority obligations;

19 (c) Collateralized or uncollateralized certificates of deposit, issued by banks rated
20 in one (1) of the three (3) highest categories by a nationally recognized
21 statistical rating organization or other interest-bearing accounts in depository
22 institutions chartered by this state or by the United States, except for shares in
23 mutual savings banks;

24 (d) Bankers acceptances for banks rated in the highest short-term category by a
25 nationally recognized statistical rating organization;

26 (e) Commercial paper rated in the highest short-term category by a nationally
27 recognized statistical rating organization;

- 1 (f) Securities issued by a state or local government, or any instrumentality or
2 agency thereof, in the United States, and rated in one (1) of the three (3)
3 highest long-term categories by a nationally recognized statistical rating
4 organization;
- 5 (g) United States denominated corporate, Yankee, and Eurodollar securities,
6 excluding corporate stocks, issued by foreign and domestic issuers, including
7 sovereign and supranational governments, rated in one (1) of the three (3)
8 highest long-term categories by a nationally recognized statistical rating
9 organization;
- 10 (h) Asset-backed securities rated in the highest category by a nationally
11 recognized statistical rating organization;
- 12 (i) Shares of mutual funds, each of which shall have the following
13 characteristics:
- 14 1. The mutual fund shall be an open-end diversified investment company
15 registered under Federal Investment Company Act of 1940, as amended;
 - 16 2. The management company of the investment company shall have been
17 in operation for at least five (5) years;
 - 18 3. The mutual fund shall be rated in the highest category by a nationally
19 recognized statistical rating organization;
 - 20 4. All of the securities in the mutual fund shall be eligible investments
21 pursuant to this section; and
- 22 (j) State and local delinquent property tax claims which upon purchase shall
23 become certificates of delinquency secured by interests in real property not to
24 exceed twenty-five million dollars (\$25,000,000) in the aggregate. For any
25 certificates of delinquency that have been exonerated pursuant to KRS
26 132.220(5), the Department of Revenue shall offset the loss suffered by the
27 Finance and Administration Cabinet against subsequent local distributions to

1 the affected taxing districts as shown on the certificate of delinquency.

2 (10) The State Investment Commission shall promulgate administrative regulations for
3 the investment and reinvestment of state funds in shares of mutual funds, and the
4 regulations shall specify:

- 5 (a) The long and short term goals of any investment;
- 6 (b) The specification of moneys to be invested;
- 7 (c) The amount of funds which may be invested per instrument;
- 8 (d) The qualifications of instruments; and
- 9 (e) The acceptable maturity of investments.

10 (11) Any investment in obligations and securities pursuant to subsection (9) of this
11 section shall satisfy this section if these obligations are subject to repurchase
12 agreements, provided that delivery of these obligations is taken either directly or
13 through an authorized custodian.

14 (12) (a) Income earned from investments made pursuant to this section shall accrue to
15 the credit of the investment income account of the general fund, except that
16 interest from investments of excess cash in the road fund shall be credited to
17 the surplus account of the road fund and interest from investments of excess
18 cash in the game and fish fund shall be credited to the game and fish fund,
19 interest earned from investments of imprest cash funds and funds in the trust
20 and revolving fund for each state public university shall be credited to the
21 appropriate institutional account, and interest earned from the investment of
22 funds accumulated solely by means of contributions and gifts shall not be
23 diverted to any purpose other than that stipulated by the donor, when the
24 donor shall have designated the use to which the interest shall be placed.

25 (b) Except as otherwise provided by law, or by the obligations and covenants
26 contained in resolutions and trust indentures adopted or entered into for state
27 bond issues, interest earned from the investment of moneys appropriated to

1 the capital construction accounts, trust and agency accounts, and trust and
2 agency revolving accounts shall accrue to the capital construction investment
3 income account.

4 (c) If there is a revenue shortfall, as defined in KRS 48.010, of five percent (5%)
5 or less, the secretary of the Finance and Administration Cabinet, upon the
6 recommendation of the state budget director, may direct the transfer of excess
7 unappropriated capital construction investment income to the general fund
8 investment income account. The amount of the transfer shall not exceed the
9 amount of the shortfall in general fund revenues.

10 (d) If the capital construction investment income is less than that amount
11 appropriated by the General Assembly, the secretary of the Finance and
12 Administration Cabinet may, upon recommendation of the state budget
13 director, direct the transfer of excess unappropriated general fund investment
14 income to the capital construction investment income account. The transfer of
15 general fund investment income revenues to the capital construction
16 investment income account shall be made only when the actual general fund
17 revenues are in excess of the enacted estimates under KRS 48.120 and shall
18 be limited to the amount of the excess general fund revenues. The amount of
19 the transfer shall not exceed the amount of the shortfall in the capital
20 construction fund revenues.

21 (13) The authority granted by this section to the State Investment Commission shall not
22 extend to any funds that are specifically provided by law to be invested by some
23 other officer or agency of the state government.

24 (14) The authority granted by this section to the State Investment Commission shall only
25 be exercised pursuant to the administrative regulations mandated by KRS 42.525.

26 (15) Each member of the State Investment Commission shall post bond for his or her
27 acts or omissions as a member thereof identical in amount and kind to that posted

1 by the State Treasurer.

2 ➔Section 18. KRS 42.738 is amended to read as follows:

- 3 (1) The executive director shall establish and implement a statewide public safety
4 interoperability plan. This plan shall include the development of required
5 architecture and standards that will ensure~~insure~~ that new or upgraded
6 Commonwealth public safety communications systems will interoperate. The
7 Kentucky Wireless Interoperability Executive Committee shall be responsible for
8 the evaluation and recommendation of all wireless communications architecture,
9 standards, and strategies. The executive director shall provide direction,
10 stewardship, leadership, and general oversight of information technology and
11 information resources. The executive director shall report by September 15
12 annually to the Interim Joint Committee on ~~Seniors,~~ Veterans, Military Affairs,
13 and Public Protection and the Interim Joint Committee on State Government on
14 progress and activity by agencies of the Commonwealth to comply with standards
15 to achieve public safety communications interoperability.
- 16 (2) The Kentucky Wireless Interoperability Executive Committee shall serve as the
17 advisory body for all wireless communications strategies presented by agencies of
18 the Commonwealth and local governments. All state agencies in the
19 Commonwealth shall present all project plans for primary wireless public safety
20 voice or data communications systems for review and recommendation by the
21 committee, and the committee shall forward the plans to the executive director for
22 final approval. Local government entities shall present project plans for primary
23 wireless public safety voice or data communications systems for review and
24 recommendation by the Kentucky Wireless Interoperability Executive Committee.
- 25 (3) The committee shall develop funding and support plans that provide for the
26 maintenance of and technological upgrades to the public safety shared
27 infrastructure, and shall make recommendations to the executive director, the

1 Governor's Office for Policy and Management, and the General Assembly.

2 (4) The executive director shall examine the project plans for primary wireless public
3 safety voice or data communications systems of state agencies as required by
4 subsection (2) of this section, and shall determine whether they meet the required
5 architecture and standards for primary wireless public safety voice or data
6 communications systems.

7 (5) The Kentucky Wireless Interoperability Executive Committee shall consist of
8 twenty (20) members as follows:

9 (a) A person knowledgeable in the field of wireless communications appointed by
10 the executive director who shall serve as chair;

11 (b) The executive director of the Office of Infrastructure Services,
12 Commonwealth Office of Technology;

13 (c) The executive director of Kentucky Educational Television, or the executive
14 director's designee;

15 (d) The information technology lead of the Transportation Cabinet;

16 (e) The information technology lead of the Justice and Public Safety Cabinet;

17 (f) The information technology lead of the Department of Kentucky State Police;

18 (g) The commissioner of the Department of Fish and Wildlife Resources, or the
19 commissioner's designee;

20 (h) The information technology lead of the Energy and Environment Cabinet;

21 (i) The director of the Division of Emergency Management, Department of
22 Military Affairs;

23 (j) The executive director of the Kentucky Office of Homeland Security;

24 (k) The information technology lead of the Department for Public Health, Cabinet
25 for Health and Family Services;

26 (l) A representative from an institution of postsecondary education appointed by
27 the Governor from a list of three (3) names submitted by the president of the

- 1 Council on Postsecondary Education;
- 2 (m) The executive director of the Center for Rural Development, or the executive
3 director's designee;
- 4 (n) A representative from a municipal government to be appointed by the
5 Governor from a list of three (3) names submitted by the Kentucky League of
6 Cities;
- 7 (o) A representative from a county government to be appointed by the Governor
8 from a list of three (3) names submitted by the Kentucky Association of
9 Counties;
- 10 (p) A representative from a municipal police department to be appointed by the
11 Governor from a list of three (3) names submitted by the Kentucky
12 Association of Chiefs of Police;
- 13 (q) A representative from a local fire department to be appointed by the Governor
14 from a list of three (3) names submitted by the Kentucky Association of Fire
15 Chiefs;
- 16 (r) A representative from a county sheriff's department to be appointed by the
17 Governor from a list of three (3) names submitted by the Kentucky Sheriffs'
18 Association;
- 19 (s) A representative from a local Emergency Medical Services agency to be
20 appointed by the Governor from a list of three (3) names submitted by the
21 Kentucky Board of Emergency Medical Services; and
- 22 (t) A representative from a local 911 dispatch center to be appointed by the
23 Governor from a list of three (3) names submitted by the Kentucky Chapter of
24 the National Emergency Number Association/Association of Public Safety
25 Communications Officials.
- 26 (6) Appointed members of the committee shall serve for a two (2) year term. Members
27 who serve by virtue of an office shall serve on the committee while they hold that

1 office.

2 (7) The committee shall meet quarterly, or as often as necessary for the conduct of its
3 business. A majority of the members shall constitute a quorum for the transaction of
4 business. Members' designees shall have voting privileges at committee meetings.

5 (8) The committee shall be attached to the Commonwealth Office of Technology for
6 administrative purposes only. Members shall not be paid and shall not be
7 reimbursed for travel expenses.

8 (9) The Public Safety Working Group is hereby created for the primary purpose of
9 fostering cooperation, planning, and development of the public safety frequency
10 spectrum as regulated by the Federal Communications Commission, including the
11 700 MHz public safety band. The group shall endeavor to bring about a seamless,
12 coordinated, and integrated public safety communications network for the safe,
13 effective, and efficient protection of life and property. The Public Safety Working
14 Group membership and other working group memberships deemed necessary shall
15 be appointed by the chair of the Kentucky Wireless Interoperability Executive
16 Committee.

17 (10) The committee may establish additional working groups as determined by the
18 committee.

19 ➔Section 19. KRS 42.740 is amended to read as follows:

20 (1) There is hereby established a Geographic Information Advisory Council, attached
21 to the Commonwealth Office of Technology for administrative purposes, to advise
22 the executive director of the Commonwealth Office of Technology on issues
23 relating to geographic information and geographic information systems.

24 (2) The council shall recommend policies and procedures that assist state and local
25 jurisdictions in developing, deploying, and leveraging geographic information
26 resources and geographic information systems technology for the purpose of
27 improving public administration.

- 1 (3) The council shall closely coordinate with users of geographic information systems
2 to recommend policies and procedures that ensure the maximum use of geographic
3 information by minimizing the redundancy of geographic information and
4 geographic information resources, as well as to ensure that the geographic
5 information clearinghouse maintained by the Division of Geographic Information
6 Systems meets the needs of all state agencies.
- 7 (4) (a) The Geographic Information Advisory Council shall consist of twenty-five
8 (25) members and one (1) legislative liaison. The members shall be
9 knowledgeable in the use and application of geographic information systems
10 technology and shall have sufficient authority within their organizations to
11 influence the implementation of council recommendations.
- 12 (b) The council shall consist of:
- 13 1. The secretary of the Transportation Cabinet or his or her designee;
 - 14 2. The secretary of the Cabinet for Health and Family Services or his or
15 her designee;
 - 16 3. The director of the Kentucky Geological Survey or his or her designee;
 - 17 4. The secretary of the Finance and Administration Cabinet or his or her
18 designee;
 - 19 5. The executive director of the Commonwealth Office of Technology or
20 her or his designee, who shall serve as chair;
 - 21 6. The secretary of the Cabinet for Economic Development~~[-Cabinet]~~ or
22 his or her designee;
 - 23 7. The commissioner of the Department for Local Government or his or
24 her designee;
 - 25 8. The secretary of the Justice and Public Safety Cabinet or his or her
26 designee;
 - 27 9. One (1) member appointed by the Governor from a list of three (3)

- 1 persons submitted by the president of the Council on Postsecondary
2 Education;
- 3 10. The adjutant general of the Department of Military Affairs or his or her
4 designee;
- 5 11. The commissioner of the Department of Education or his or her
6 designee;
- 7 12. The secretary of the Energy and Environment Cabinet or his or her
8 designee;
- 9 13. The Commissioner of the Department of Agriculture or his or her
10 designee;
- 11 14. The secretary of the Tourism, Arts and Heritage Cabinet or his or her
12 designee;
- 13 15. The executive director of the Office of Property Valuation or his or her
14 designee;
- 15 16. One (1) member appointed by the Governor from a list of six (6)
16 persons submitted by the president of the Kentucky League of Cities;
- 17 17. One (1) member appointed by the Governor from a list of six (6)
18 persons submitted by the president of the Kentucky Association of
19 Counties;
- 20 18. One (1) member appointed by the Governor from a list of three (3)
21 persons submitted by the president of the Kentucky Chapter of the
22 American Planning Association;
- 23 19. One (1) member appointed by the Governor from a list of three (3)
24 persons submitted by the president of the Kentucky Association of
25 Professional Surveyors;
- 26 20. One (1) member appointed by the Governor from a list of three (3)
27 persons submitted by the president of the Kentucky Society of

- 1 Professional Engineers;
- 2 21. One (1) member appointed by the Governor from a list of three (3)
- 3 persons submitted by the chairman of the Kentucky Board of Registered
- 4 Geologists;
- 5 22. One (1) member appointed by the Governor from a list of three (3)
- 6 persons submitted by the president of the Council of Area Development
- 7 Districts;
- 8 23. One (1) member appointed by the Governor from a list of three (3)
- 9 persons submitted by the president of the Kentucky Association of
- 10 Mapping Professionals;
- 11 24. One (1) member appointed by the Governor from a list of three (3)
- 12 persons submitted by the executive director of the Kentucky Property
- 13 Valuation Administrators Association; and
- 14 25. The executive director of the Kentucky Office of Homeland Security.
- 15 (c) The council shall have one (1) nonvoting legislative liaison, to be appointed
- 16 by the Legislative Research Commission.
- 17 (5) The council may have committees and subcommittees as determined by the council
- 18 or an executive committee, if an executive committee exists.
- 19 (6) A member of the council shall not:
- 20 (a) Be an officer, employee, or paid consultant of a business entity that has, or of
- 21 a trade association for business entities that have, a substantial interest in the
- 22 geographic information industry and is doing business in the Commonwealth;
- 23 (b) Own, control, or have, directly or indirectly, more than ten percent (10%)
- 24 interest in a business entity that has a substantial interest in the geographic
- 25 information industry;
- 26 (c) Be in any manner connected with any contract or bid for furnishing any
- 27 governmental body of the Commonwealth with geographic information

- 1 systems, the computers on which they are automated, or a service related to
2 geographic information systems;
- 3 (d) Be a person required to register as a lobbyist because of activities for
4 compensation on behalf of a business entity that has, or on behalf of a trade
5 association of business entities that have, substantial interest in the geographic
6 information industry;
- 7 (e) Accept or receive money or another thing of value from an individual, firm, or
8 corporation to whom a contract may be awarded, directly or indirectly, by
9 rebate, gift, or otherwise; or
- 10 (f) Be liable to civil action or any action performed in good faith in the
11 performance of duties as a council member.
- 12 (7) Those council members specified in subsection (4)(a) of this section who serve by
13 virtue of an office shall serve on the board while they hold that office.
- 14 (8) Appointed members of the council shall serve for a term of four (4) years.
15 Vacancies in the membership of the council shall be filled in the same manner as
16 the original appointments. If a nominating organization changes its name, its
17 successor organization having the same responsibilities and purposes shall be the
18 nominating organization.
- 19 (9) The council shall have no funds of its own, and council members shall not receive
20 compensation of any kind from the council.
- 21 (10) A majority of the members shall constitute a quorum for the transaction of business.
22 Members' designees shall have voting privileges at council meetings.
- 23 ➔Section 20. KRS 45A.047 is amended to read as follows:
- 24 (1) When an agency of Kentucky state government or a public university safety and
25 security department organized pursuant to KRS 164.950 disposes of firearms or
26 ammunition owned by that agency, the disposition shall be by:
- 27 (a) Public auction to persons who are eligible under federal law to purchase the

- 1 type of firearm or ammunition;
- 2 (b) Trade to the federally licensed firearms dealer providing new firearms or
3 ammunition to the agency;
- 4 (c) Transfer to another government agency or government-operated museum in
5 Kentucky for official use or display; or
- 6 (d) Sale to a current or retiring employee as authorized by law.

7 (2) If the firearms or ammunition are sold, the proceeds of the sale shall be utilized
8 solely for the purchase of body armor for officers meeting or exceeding National
9 Institute of Justice standards, firearms, ammunition, or range facilities, or a
10 combination thereof, by the agency of government. The provisions of this
11 subsection shall not apply to the Department of Fish and Wildlife Resources.

12 (3) Body armor purchased for a service animal shall be purchased only for an animal
13 owned by the law enforcement agency specified in subsection (1) of this section.

14 ➔Section 21. KRS 56.463 is amended to read as follows:

15 The cabinet shall have the power and duty:

- 16 (1) To determine the comparative needs and demands of the various state agencies for
17 acquiring real estate and for building projects;
- 18 (2) To purchase or otherwise acquire all real property determined to be needed for state
19 use and upon the approval of the secretary of the Finance and Administration
20 Cabinet as to the determination of need and as to the action of purchase or other
21 acquisition, except as provided in KRS Chapters 175, 176, 177, and 180. All such
22 acquisitions of real property or interests therein shall be made in accordance with
23 KRS 45A.045;
- 24 (3) To sell or otherwise dispose of all property, including any interest in real property,
25 of the state that is not needed or has become unsuitable for public use or would be
26 more suitable consistent with the public interest for some other use as determined
27 by the secretary of the Finance and Administration Cabinet. All such sales or other

1 disposition shall be made in accordance with KRS 45A.045;

- 2 (4) (a) To control the use of any real property owned or otherwise held by the
3 Commonwealth, or any state agency, and to determine for what periods of
4 time and for what purposes any state agency may use the same, including the
5 agency for whose use it was initially acquired or improved, and to determine
6 what appropriate uses shall be made of such real property during periods that
7 the cabinet finds the same is not required for the purposes of any particular
8 state agency. The cabinet shall allocate to the General Assembly and the
9 Legislative Research Commission the amount of space within the New State
10 Capitol Annex, currently assigned to the legislative branch in the basement
11 and on the first floor totaling forty-nine thousand six hundred thirty-eight
12 (49,638) square feet; approximately twenty-four thousand four hundred fifty-
13 two (24,452) square feet on the second floor from an imaginary line running
14 north and south down the center of the center wing hallway of the building
15 and all space to the east of this line, excluding mechanical areas, public
16 entrances, and restrooms; approximately twenty-three thousand nine hundred
17 forty (23,940) square feet on the third floor from an imaginary line running
18 north and south down the center of the center wing hallway of the building
19 and all space to the east of this line, excluding mechanical areas, public
20 entrances, and restrooms; approximately twenty-two thousand fifty-six
21 (22,056) square feet on the fourth floor from an imaginary line running north
22 and south down the center of the center wing hallway of the building and all
23 space to the east of this line, excluding mechanical areas, public entrances,
24 and restrooms. All space assigned to the legislative branch and plans, uses,
25 furnishings, and equipment therefor are subject to the specific approval of the
26 Legislative Research Commission;
- 27 (b) All additional space in the New State Capitol Annex, not specifically

1 allocated for use by the General Assembly and the Legislative Research
2 Commission in paragraph (a) of this subsection, shall be allocated for the use
3 of the legislative branch, with occupancy by the legislative branch to be
4 determined by the Legislative Research Commission. Until the Legislative
5 Research Commission, by vote of a majority of its entire membership,
6 determines that the legislative branch shall occupy all or part of such
7 additional space in the Capitol Annex, the cabinet shall continue to determine
8 the occupancy of such additional space;

9 (c) Forty percent (40%) of the floor space provided by paragraph (a) of this
10 subsection for use by the legislative branch shall be assigned for the use of the
11 Senate. Sixty percent (60%) of the floor space provided by paragraph (a) of
12 this subsection for use by the legislative branch shall be assigned for the use
13 of the House of Representatives; and

14 (d) To determine the housing and furnishings needs of the various state agencies
15 located in Frankfort and to establish and put into effect a permanent program
16 for housing them. Subject to paragraphs (a) and (b) of this subsection, the
17 cabinet is also authorized and directed to allocate office space and furnishings
18 in existing public buildings located in Frankfort, exclusive of the third and
19 fourth floors of the New State Capitol and the space in the New State Capitol
20 Annex allocated to the legislative branch, according to the needs of the
21 various agencies. When necessary, the cabinet is authorized to provide
22 additional office space and furnishings in Frankfort under any building
23 program the cabinet deems most advisable and economical for the state. The
24 permanent housing program shall include provisions for housing the General
25 Assembly and its related agencies, including the Legislative Research
26 Commission, and its subcommittees, the executive offices, the Supreme Court
27 and the clerk of the Supreme Court, the Department of Law and the State Law

1 Library, in the New State Capitol, provided the General Assembly and the
2 Legislative Research Commission shall have complete control and exclusive
3 use of the third and fourth floors of the New State Capitol and shall have
4 exclusive use of the space in the New State Capitol Annex allocated to them
5 under paragraphs (a) and (b) of this subsection. If there be any additional
6 space in the Capitol, it shall be assigned to agencies whose activities are most
7 closely related to the agencies directed to be located permanently in the
8 Capitol;

9 (5) To acquire, by condemnation in the manner provided in the Eminent Domain Act of
10 Kentucky, any real estate necessary for use by the state or by any state agency,
11 when the cabinet is unable to agree with the owner thereof on a price for such real
12 estate;

13 (6) To lease any real property, or any interest in such real property, owned by the state
14 or any agency thereof, in accordance with KRS 45A.045;

15 (7) To provide for and adopt plans and specifications as may be necessary, to provide
16 adequate public notice for and receive bids for any expenditures proposed to be
17 made, to award contracts for the purpose authorized, to supervise construction and
18 make changes and revisions in plans and specifications or in construction as may
19 become necessary, and generally to do any and all other things as may become
20 necessary or expedient in order to effectively fulfill and carry out the purposes of
21 this chapter, including the right to employ clerks, engineers, statisticians, architects,
22 or other persons required to be employed in order to fulfill the functions of the
23 Commonwealth relating to state property and buildings provided in KRS 56.450 to
24 56.550; and

25 (8) To adopt rules and promulgate administrative regulations as may be necessary to
26 govern the acquisition, control, and disposition of the real property to which this
27 section is applicable.

1 ➔Section 22. KRS 61.569 is amended to read as follows:

- 2 (1) A reinstated employee who has been ordered reinstated by the Personnel Board
3 under authority of KRS 18A.095 or by court order or by order of the Kentucky
4 Commission on Human Rights~~[-Commission]~~ shall tender to the system the
5 member contribution he or she would have paid on the creditable compensation he
6 or she would have earned as defined under KRS 18A.105 had he or she not been
7 dismissed. The employer shall pay the employer contributions as defined under
8 KRS 18A.105 on the member's creditable compensation.
- 9 (2) No service credit shall be allowed for any time that the member contributions are
10 not paid.

11 ➔Section 23. KRS 61.637 is amended to read as follows:

- 12 (1) A retired member who is receiving monthly retirement payments under any of the
13 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed
14 as an employee by a participating agency prior to August 1, 1998, shall have his or
15 her retirement payments suspended for the duration of reemployment. Monthly
16 payments shall not be suspended for a retired member who is reemployed if he or
17 she anticipates that he or she will receive less than the maximum permissible
18 earnings as provided by the Federal Social Security Act in compensation as a result
19 of reemployment during the calendar year. The payments shall be suspended at the
20 beginning of the month in which the reemployment occurs.
- 21 (2) Employer and employee contributions shall be made as provided in KRS 61.510 to
22 61.705 and 78.510 to 78.852 on the compensation paid during reemployment,
23 except where monthly payments were not suspended as provided in subsection (1)
24 of this section or would not increase the retired member's last monthly retirement
25 allowance by at least one dollar (\$1), and the member shall be credited with
26 additional service credit.
- 27 (3) In the month following the termination of reemployment, retirement allowance

1 payments shall be reinstated under the plan under which the member was receiving
2 payments prior to reemployment.

3 (4) (a) Notwithstanding the provisions of this section, the payments suspended in
4 accordance with subsection (1) of this section shall be paid retroactively to the
5 retired member, or his or her estate, if he or she does not receive more than
6 the maximum permissible earnings as provided by the Federal Social Security
7 Act in compensation from participating agencies during any calendar year of
8 reemployment.

9 (b) If the retired member is paid suspended payments retroactively in accordance
10 with this section, employee contributions deducted during his or her period of
11 reemployment, if any, shall be refunded to the retired employee, and no
12 service credit shall be earned for the period of reemployment.

13 (c) If the retired member is not eligible to be paid suspended payments for his or
14 her period of reemployment as an employee, his or her retirement allowance
15 shall be recomputed under the plan under which the member was receiving
16 payments prior to reemployment as follows:

17 1. The retired member's final compensation shall be recomputed using
18 creditable compensation for his or her period of reemployment;
19 however, the final compensation resulting from the recalculation shall
20 not be less than that of the member when his or her retirement allowance
21 was last determined;

22 2. If the retired member initially retired on or subsequent to his or her
23 normal retirement date, his or her retirement allowance shall be
24 recomputed by using the formula in KRS 61.595(1);

25 3. If the retired member initially retired prior to his or her normal
26 retirement date, his or her retirement allowance shall be recomputed
27 using the formula in KRS 61.595(2), except that the member's age used

- 1 in computing benefits shall be his or her age at the time of his or her
2 initial retirement increased by the number of months of service credit
3 earned for service performed during reemployment;
- 4 4. The retirement allowance payments resulting from the recomputation
5 under this subsection shall be payable in the month following the
6 termination of reemployment in lieu of payments under subparagraph 3.
7 of this paragraph. The member shall not receive less in benefits as a
8 result of the recomputation than he or she was receiving prior to
9 reemployment or would receive as determined under KRS 61.691; and
- 10 5. Any retired member who was reemployed prior to March 26, 1974, shall
11 begin making contributions to the system in accordance with the
12 provisions of this section on the first day of the month following March
13 26, 1974.
- 14 (5) A retired member, or his or her estate, shall pay to the retirement fund the total
15 amount of payments which are not suspended in accordance with subsection (1) of
16 this section if the member received more than the maximum permissible earnings as
17 provided by the Federal Social Security Act in compensation from participating
18 agencies during any calendar year of reemployment, except the retired member or
19 his or her estate may repay the lesser of the total amount of payments which were
20 not suspended or fifty cents (\$0.50) of each dollar earned over the maximum
21 permissible earnings during reemployment if under age sixty-five (65), or one
22 dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
- 23 (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a
24 retired member who has been ordered reinstated by the Personnel Board under
25 authority of KRS 18A.095.
- 26 (b) A retired member who has been ordered reinstated by the Personnel Board
27 under authority of KRS 18A.095 or by court order or by order of the

1 Kentucky Commission on Human Rights~~—Commission~~ and accepts
2 employment by an agency participating in the Kentucky Employees
3 Retirement System or County Employees Retirement System shall void his or
4 her retirement by reimbursing the system in the full amount of his or her
5 retirement allowance payments received.

6 (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this
7 section shall no longer apply to a retired member who is reemployed in a
8 position covered by the same retirement system from which the member
9 retired. Reemployed retired members shall be treated as new members upon
10 reemployment. Any retired member whose reemployment date preceded
11 August 1, 1998, who does not elect, within sixty (60) days of notification by
12 the retirement systems, to remain under the provisions of subsections (1) to
13 (4) of this section shall be deemed to have elected to participate under this
14 subsection.

15 (b) A retired member whose disability retirement was discontinued pursuant to
16 KRS 61.615 and who is reemployed in one (1) of the systems administered by
17 the Kentucky Retirement Systems or County Employees Retirement System
18 prior to his or her normal retirement date shall have his or her accounts
19 combined upon termination for determining eligibility for benefits. If the
20 member is eligible for retirement, the member's service and creditable
21 compensation earned as a result of his or her reemployment shall be used in
22 the calculation of benefits, except that the member's final compensation shall
23 not be less than the final compensation last used in determining his or her
24 retirement allowance. The member shall not change beneficiary or payment
25 option designations. This provision shall apply to members reemployed on or
26 after August 1, 1998.

27 (8) If a retired member accepts employment or begins serving as a volunteer with an

1 employer participating in the systems administered by Kentucky Retirement
2 Systems or County Employees Retirement System within twelve (12) months of his
3 or her retirement date, the retired member shall notify the Authority and the
4 participating employer shall submit the information required or requested by the
5 Authority to confirm the individual's employment or volunteer status. The retired
6 member shall not be required to notify the Authority regarding any employment or
7 volunteer service with a participating agency that is accepted after twelve (12)
8 months following his or her retirement date.

9 (9) If the retired member is under a contract to provide services as an independent
10 contractor or leased employee to an employer participating in the systems
11 administered by Kentucky Retirement Systems or County Employees Retirement
12 System within twelve (12) months of his or her retirement date, the member shall
13 submit a copy of that contract to the Authority, and the Authority shall determine if
14 the member is an independent contractor or leased employee for purposes of
15 retirement benefits. The retired member and the participating employer shall submit
16 the information required or requested by the Authority to confirm the individual's
17 status as an independent contractor or leased employee. The retired member shall
18 not be required to notify the Authority regarding any services entered into as an
19 independent contractor or leased employee with a participating agency that the
20 employee enters into after twelve (12) months following his or her retirement date.

21 (10) If a member is receiving a retirement allowance, or has filed the forms required for
22 a retirement allowance, and is employed within one (1) month of the member's
23 initial retirement date in a position that is required to participate in the same
24 retirement system from which the member retired, the member's retirement shall be
25 voided and the member shall repay to the retirement system all benefits received.
26 The member shall contribute to the member account established for him or her prior
27 to his or her voided retirement. The retirement allowance for which the member

1 shall be eligible upon retirement shall be determined by total service and creditable
2 compensation.

3 (11) (a) If a member of the Kentucky Employees Retirement System retires from a
4 department which participates in more than one (1) retirement system and is
5 reemployed within one (1) month of his or her initial retirement date by the
6 same department in a position participating in another retirement system, the
7 retired member's retirement allowance shall be suspended for the first month
8 of his or her retirement, and the member shall repay to the retirement system
9 all benefits received for the month.

10 (b) A retired member of the County Employees Retirement System who after
11 initial retirement is hired by the county from which the member retired shall
12 be considered to have been hired by the same employer.

13 (12) (a) If a hazardous member who retired prior to age fifty-five (55), or a
14 nonhazardous member who retired prior to age sixty-five (65), is reemployed
15 within six (6) months of the member's termination by the same employer, the
16 member shall obtain from his or her previous and current employers a copy of
17 the job description established by the employers for the position and a
18 statement of the duties performed by the member for the position from which
19 he or she retired and for the position in which he or she has been reemployed.

20 (b) The job descriptions and statements of duties shall be filed with the retirement
21 office.

22 (13) If the retirement system determines that the retired member has been employed in a
23 position with the same principal duties as the position from which the member
24 retired:

25 (a) The member's retirement allowance shall be suspended during the period that
26 begins on the month in which the member is reemployed and ends six (6)
27 months after the member's termination;

- 1 (b) The retired member shall repay to the retirement system all benefits paid from
2 systems administered by Kentucky Retirement Systems or County Employees
3 Retirement System under reciprocity, including medical insurance benefits,
4 that the member received after reemployment began;
- 5 (c) Upon termination, or subsequent to expiration of the six (6) month period
6 from the date of termination, the retired member's retirement allowance based
7 on his or her initial retirement account shall no longer be suspended, and the
8 member shall receive the amount to which he or she is entitled, including an
9 increase as provided by KRS 61.691;
- 10 (d) Except as provided in subsection (7) of this section, if the position in which a
11 retired member is employed after initial retirement is a regular full-time
12 position, the retired member shall contribute to a second member account
13 established for him or her in the retirement system. Service credit gained after
14 the member's date of reemployment shall be credited to the second member
15 account; and
- 16 (e) Upon termination, the retired member shall be entitled to benefits payable
17 from his or her second retirement account.
- 18 (14) (a) If the retirement system determines that the retired member has not been
19 reemployed in a position with the same principal duties as the position from
20 which he or she retired, the retired member shall continue to receive his or her
21 retirement allowance.
- 22 (b) If the position is a regular full-time position, the member shall contribute to a
23 second member account in the retirement system.
- 24 (15) (a) If a retired member is reemployed at least one (1) month after initial
25 retirement in a different position, or at least six (6) months after initial
26 retirement in the same position, and prior to normal retirement age, the retired
27 member shall contribute to a second member account in the retirement system

1 and continue to receive a retirement allowance from the first member account.

2 (b) Service credit gained after reemployment shall be credited to the second
3 member account. Upon termination, the retired member shall be entitled to
4 benefits payable from the second member account.

5 (16) A retired member who is reemployed and contributing to a second member account
6 shall not be eligible to purchase service credit under any of the provisions of KRS
7 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was
8 eligible to purchase prior to his or her initial retirement.

9 (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this
10 section, the following shall apply to retired members who are reemployed by an
11 agency participating in one (1) of the systems administered by Kentucky
12 Retirement Systems or County Employees Retirement System on or after
13 September 1, 2008:

14 (a) Except as provided by paragraphs (c) and (d) of this subsection, if a member
15 is receiving a retirement allowance from one (1) of the systems administered
16 by Kentucky Retirement Systems or County Employees Retirement System,
17 or has filed the forms required to receive a retirement allowance from one (1)
18 of the systems administered by Kentucky Retirement Systems or County
19 Employees Retirement System, and is employed in a regular full-time position
20 required to participate in one (1) of the systems administered by Kentucky
21 Retirement Systems or County Employees Retirement System or is employed
22 in a position that is not considered regular full-time with an agency
23 participating in one (1) of the systems administered by Kentucky Retirement
24 Systems or County Employees Retirement System within three (3) months
25 following the member's initial retirement date, the member's retirement shall
26 be voided, and the member shall repay to the retirement system all benefits
27 received, including any health insurance benefits. If the member is returning

1 to work in a regular full-time position required to participate in one (1) of the
2 systems administered by Kentucky Retirement Systems:

3 1. The member shall contribute to a member account established for him or
4 her in one (1) of the systems administered by Kentucky Retirement
5 Systems or County Employees Retirement System, and employer
6 contributions shall be paid on behalf of the member by the participating
7 employer; and

8 2. Upon subsequent retirement, the member shall be eligible for a
9 retirement allowance based upon total service and creditable
10 compensation, including any additional service or creditable
11 compensation earned after his or her initial retirement was voided;

12 (b) Except as provided by paragraphs (c) and (d) of this subsection, if a member
13 is receiving a retirement allowance from one (1) of the systems administered
14 by Kentucky Retirement Systems or County Employees Retirement System
15 and is employed in a regular full-time position required to participate in one
16 (1) of the systems administered by Kentucky Retirement Systems or County
17 Employees Retirement System after a three (3) month period following the
18 member's initial retirement date, the member may continue to receive his or
19 her retirement allowance during the period of reemployment subject to the
20 following provisions:

21 1. If a member is reemployed by a participating agency within twelve (12)
22 months of the member's retirement date, the participating agency shall
23 certify in writing on a form prescribed by the Authority that no
24 prearranged agreement existed between the employee and agency prior
25 to the employee's retirement for the employee to return to work with the
26 participating agency. If an elected official is reelected to a new term of
27 office in the same position as the elected official held prior to retirement

1 and takes office within twelve (12) months of his or her retirement date,
2 he or she shall be deemed by the Authority as having a prearranged
3 agreement under the provisions of this subparagraph and shall have his
4 or her retirement voided. If the participating agency fails to complete the
5 certification, the member's retirement shall be voided and the provisions
6 of paragraph (a) of this subsection shall apply to the member and the
7 employer. Employment that is accepted by the retired member after
8 twelve (12) months following the member's retirement date shall not
9 constitute a prearranged agreement under this paragraph;

10 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to
11 the contrary, the member shall not contribute to the systems and shall
12 not earn any additional benefits for any work performed during the
13 period of reemployment;

14 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
15 except for any retiree employed as a school resource officer as defined
16 by KRS 158.441, the employer shall pay employer contributions as
17 specified by KRS 61.565, 61.702, and 78.635, as applicable, on all
18 creditable compensation earned by the employee during the period of
19 reemployment. The additional contributions paid shall be used to reduce
20 the unfunded actuarial liability of the systems; and

21 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
22 except for any retiree employed as a school resource officer as defined
23 by KRS 158.441, the employer shall be required to reimburse the
24 systems for the cost of the health insurance premium paid by the
25 systems to provide coverage for the retiree, not to exceed the cost of the
26 single premium. Effective July 1, 2015, local school boards shall not be
27 required to pay the reimbursement required by this subparagraph for

1 retirees employed by the board for eighty (80) days or less during the
2 fiscal year;

3 (c) If a member is receiving a retirement allowance from the State Police
4 Retirement System or from hazardous duty retirement coverage with the
5 Kentucky Employees Retirement System or the County Employees
6 Retirement System, or has filed the forms required to receive a retirement
7 allowance from the State Police Retirement System or from hazardous duty
8 retirement coverage with the Kentucky Employees Retirement System or the
9 County Employees Retirement System, and is employed in a regular full-time
10 position required to participate in the State Police Retirement System or in a
11 hazardous duty position with the Kentucky Employees Retirement System or
12 the County Employees Retirement System within one (1) month following the
13 member's initial retirement date, the member's retirement shall be voided, and
14 the member shall repay to the retirement system all benefits received,
15 including any health insurance benefits. If the member is returning to work in
16 a regular full-time position required to participate in one (1) of the systems
17 administered by Kentucky Retirement Systems or County Employees
18 Retirement System:

19 1. The member shall contribute to a member account established for him or
20 her in one (1) of the systems administered by Kentucky Retirement
21 Systems or County Employees Retirement System, and employer
22 contributions shall be paid on behalf of the member by the participating
23 employer; and

24 2. Upon subsequent retirement, the member shall be eligible for a
25 retirement allowance based upon total service and creditable
26 compensation, including any additional service or creditable
27 compensation earned after his or her initial retirement was voided;

1 (d) If a member is receiving a retirement allowance from the State Police
2 Retirement System or from hazardous duty retirement coverage with the
3 Kentucky Employees Retirement System or the County Employees
4 Retirement System and is employed in a regular full-time position required to
5 participate in the State Police Retirement System or in a hazardous duty
6 position with the Kentucky Employees Retirement System or the County
7 Employees Retirement System after a one (1) month period following the
8 member's initial retirement date, the member may continue to receive his or
9 her retirement allowance during the period of reemployment subject to the
10 following provisions:

11 1. If a member is reemployed by a participating agency within twelve (12)
12 months of the member's retirement date, the participating agency shall
13 certify in writing on a form prescribed by the Authority that no
14 prearranged agreement existed between the employee and agency prior
15 to the employee's retirement for the employee to return to work with the
16 participating agency. If an elected official is reelected to a new term of
17 office in the same position as the elected official held prior to retirement
18 and takes office within twelve (12) months of his or her retirement date,
19 he or she shall be deemed by the Authority as having a prearranged
20 agreement under the provisions of this subparagraph and shall have his
21 or her retirement voided. If the participating agency fails to complete the
22 certification, the member's retirement shall be voided and the provisions
23 of paragraph (c) of this subsection shall apply to the member and the
24 employer. Employment that is accepted by the retired member after
25 twelve (12) months following the member's retirement date shall not
26 constitute a prearranged agreement under this paragraph;

27 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to

1 the contrary, the member shall not contribute to the systems and shall
2 not earn any additional benefits for any work performed during the
3 period of reemployment;

4 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
5 except for any retiree employed as a school resource officer as defined
6 by KRS 158.441, the employer shall pay employer contributions as
7 specified by KRS 61.565, 61.702, and 78.635, as applicable, on all
8 creditable compensation earned by the employee during the period of
9 reemployment. The additional contributions paid shall be used to reduce
10 the unfunded actuarial liability of the systems;

11 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
12 except for any retiree employed as a school resource officer as defined
13 by KRS 158.441, the employer shall be required to reimburse the
14 systems for the cost of the health insurance premium paid by the
15 systems to provide coverage for the retiree, not to exceed the cost of the
16 single premium;

17 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member
18 who qualifies as a volunteer for an employer participating in one (1) of the
19 systems administered by Kentucky Retirement Systems or County Employees
20 Retirement System and who is receiving reimbursement of actual expenses, a
21 nominal fee for his or her volunteer services, or both, shall not be considered
22 an employee of the participating employer and shall not be subject to
23 paragraphs (a) to (d) of this subsection if:

24 1. Prior to the retired member's most recent retirement date, he or she did
25 not receive creditable compensation from the participating employer in
26 which the retired member is performing volunteer services;

27 2. Any reimbursement or nominal fee received prior to the retired

1 member's most recent retirement date has not been credited as creditable
2 compensation to the member's account or utilized in the calculation of
3 the retired member's benefits;

4 3. The retired member has not purchased or received service credit under
5 any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for
6 service with the participating employer for which the retired member is
7 performing volunteer services; and

8 4. Other than the status of volunteer, the retired member does not become
9 an employee, leased employee, or independent contractor of the
10 employer for which he or she is performing volunteer services for a
11 period of at least twelve (12) months following the retired member's
12 most recent retirement date.

13 If a retired member, who provided volunteer services with a participating
14 employer under this paragraph violates any provision of this paragraph, then
15 he or she shall be deemed an employee of the participating employer as of the
16 date he or she began providing volunteer services and both the retired member
17 and the participating employer shall be subject to paragraphs (a) to (d) of this
18 subsection for the period of volunteer service;

19 (f) Notwithstanding any provision of this section, any mayor or member of a city
20 legislative body shall not be required to resign from his or her position as
21 mayor or as a member of the city legislative body in order to begin drawing
22 benefits from the systems administered by Kentucky Retirement Systems or
23 subject to any provision of this section as it relates solely to his or her service
24 as a mayor or member of the city legislative body if the mayor or member of a
25 city legislative body:

26 1. Has not participated in the County Employees Retirement System prior
27 to retirement, but is otherwise eligible to retire from the Kentucky

- 1 Employees Retirement System or the State Police Retirement System; or
- 2 2. Has been or is participating in the County Employees Retirement
- 3 System and is at least sixty-two (62) years of age. If a mayor or member
- 4 of a city legislative body who is at least sixty-two (62) years of age
- 5 retires from the systems administered by Kentucky Retirement Systems
- 6 but remains in office after his or her effective retirement date, the mayor
- 7 or member of the city legislative body shall not accrue any further
- 8 service credit or benefits in the systems administered by Kentucky
- 9 Retirement Systems for any employment occurring on or after the
- 10 effective retirement date;
- 11 (g) Notwithstanding any provision of this section, any current or future part-time
- 12 adjunct instructor for the Kentucky Fire Commission who has not participated
- 13 in the Kentucky Employees Retirement System prior to retirement, but who is
- 14 otherwise eligible to retire from the County Employees Retirement System,
- 15 shall not be:
- 16 1. Required to resign from his or her position as a part-time adjunct
- 17 instructor for the Kentucky Fire Commission in order to begin drawing
- 18 benefits from the County Employees Retirement System; or
- 19 2. Subject to any provision of this section as it relates solely to his or her
- 20 service as a part-time adjunct instructor for the Kentucky Fire
- 21 Commission;
- 22 (h) If a member is receiving a retirement allowance from any of the retirement
- 23 systems administered by the Kentucky Retirement Systems or County
- 24 Employees Retirement System and enters into a contract or becomes a leased
- 25 employee of an employer under contract with an employer participating in
- 26 one (1) of the systems administered by the Kentucky Retirement Systems or
- 27 County Employees Retirement System:

- 1 1. At any time following retirement, if the Authority determines the
2 employment arrangement does qualify as an independent contractor or
3 leased employee, the member may continue to receive his or her
4 retirement allowance during the period of the contract;
- 5 2. Within three (3) months following the member's initial retirement date,
6 if the Authority determines the employment arrangement does not
7 qualify as an independent contractor or leased employee, the member's
8 retirement shall be voided in accordance with paragraph (a) of this
9 subsection;
- 10 3. After three (3) months but within twelve (12) months following the
11 member's initial retirement, if the Authority determines the employment
12 arrangement does not qualify as an independent contractor or leased
13 employee and that a prearranged agreement existed between the member
14 and the agency for the member to return to work with the agency, the
15 member's retirement shall be voided in accordance with paragraph (a) of
16 this subsection; and
- 17 4. After a twelve (12) month period following the member's initial
18 retirement, the member may continue to receive his or her retirement
19 allowance during the period of the contract and the member shall not be
20 required to notify the system or submit any documentation for purposes
21 of this section to the system.

22 The initiation of a contract or the initial date of the leased employment of a
23 retired member by a participating agency that occurs after twelve (12) months
24 or more following the retired member's retirement date shall not constitute a
25 prearranged agreement under this subsection; and

- 26 (i) The Authority shall issue a final determination regarding a certification of the
27 absence of a prearranged agreement or the retired member's qualification as

1 an independent contractor or leased employee as required under this section
2 no later than thirty (30) days after the retired member and participating
3 employer provide all required forms and additional information required by
4 the Authority.

5 (18) The Authority shall promulgate administrative regulations to implement the
6 requirements of this section, including incorporating by reference board-prescribed
7 forms that a retired member and participating agency shall provide the systems
8 under subsections (8), (9), and (17) of this section.

9 ➔Section 24. KRS 61.900 is amended to read as follows:

10 As used in KRS ~~61.900~~61.900 to 61.930:

11 (1) "Commission" means a commission issued to an individual by the secretary of
12 justice and public safety, entitling the individual to perform special law
13 enforcement duties on public property;

14 (2) "Council" means the Kentucky Law Enforcement Council;

15 (3) "Cabinet" means the Justice and Public Safety Cabinet;

16 (4) "Public property" means property currently owned or used by any organizational
17 unit or agency of state, county, city, metropolitan government, or a combination of
18 these. The term shall include property currently owned or used by public airport
19 authorities;

20 (5) "Secretary" means the secretary of the Justice and Public Safety Cabinet;

21 (6) "Special law enforcement officer":

22 (a) Means one whose duties include the protection of specific public property
23 from intrusion, entry, larceny, vandalism, abuse, intermeddling, or trespass;

24 (b) Means one whose duties include the prevention, observation, or detection of,
25 or apprehension for, any unlawful activity on specific public property;

26 (c) Means one whose special duties include the control of the operation, speed,
27 and parking of motor vehicles, bicycles, and other vehicles, and the movement

1 of pedestrian traffic on specific public property;

2 (d) Means one whose duties include the answering of any intrusion alarm on
3 specific public property;

4 (e) Shall include the Capitol police, the Capital Plaza police, school resource
5 officers as defined in KRS 158.441 who are employed directly by a local
6 board of education, public airport authority security officers, and the officers
7 of the other public security forces established for the purpose of protecting
8 specific public property; and

9 (f) Shall not include members of a lawfully organized police unit or police force
10 of state, county, city, or metropolitan government, or a combination of these,
11 who are responsible for the detection of crime and the enforcement of the
12 general criminal law enforcement of the state; it shall not include any of the
13 following officials or officers:

14 1. Sheriffs, sworn deputy sheriffs, constables, sworn deputy constables,
15 and coroners;

16 2. Auxiliary and reserve police appointed under KRS 95.160 or 95.445, or
17 citation and safety officers authorized by KRS 83A.087 and 83A.088;

18 3. State park rangers and officers of the Division of Law Enforcement
19 within the Department of Fish and Wildlife Resources;

20 4. Officers of the Transportation Cabinet responsible for law enforcement;

21 5. Officers of the Department of Corrections responsible for law
22 enforcement;

23 6. Fire marshals and deputy fire marshals;

24 7. Other officers not mentioned above who are employed directly by state
25 government and are responsible for law enforcement;

26 8. Federal peace officers;

27 9. Those campus security officers who are commissioned under KRS

1 164.950;

2 10. Private security guards, private security patrolmen, and investigators
3 licensed pursuant to state statute; and

4 11. Railroad policemen covered by KRS 277.270 and 277.280; and

5 (7) "Sworn public peace officer" means one who derives plenary or special law
6 enforcement powers from, and is a full-time employee of, the federal government,
7 the Commonwealth, or any political subdivision, agency, department, branch, or
8 service of either, or of any municipality.

9 ➔Section 25. KRS 64.012 is amended to read as follows:

10 (1) The county clerk shall receive for the following services the following fees:

11 (a) 1. Recording and indexing of a:

12 a. Deed of trust or assignment for the benefit of creditors;

13 b. Deed;

14 c. Deed of assignment;

15 d. File-stamped copy of documents set forth in KRS 14A.2-040(1) or
16 (2) that have been filed first with the Secretary of State;

17 e. Real estate option;

18 f. Power of attorney;

19 g. Revocation of power of attorney;

20 h. Lease which is recordable by law;

21 i. Deed of release of a mortgage or lien under KRS 382.360;

22 j. United States lien;

23 k. Release of a United States lien;

24 l. Release of any recorded encumbrance other than state liens;

25 m. Lis pendens notice concerning proceedings in bankruptcy;

26 n. Lis pendens notice;

27 o. Mechanic's and artisan's lien under KRS Chapter 376;

- 1 p. Assumed name;
- 2 q. Notice of lien issued by the Internal Revenue Service;
- 3 r. Notice of lien discharge issued by the Internal Revenue Service;
- 4 s. Original, assignment, amendment, or continuation financing
- 5 statement;
- 6 t. Making a record for the establishment of a city, recording the plan
- 7 or plat thereof, and all other service incident;
- 8 u. Survey of a city, or any part thereof, or any addition to or
- 9 extensions of the boundary of a city;
- 10 v. Recording with statutory authority for which no specific fee is set,
- 11 except a military discharge;
- 12 w. Will or other probate document pursuant to KRS Chapter 392 or
- 13 394;
- 14 x. Court ordered name change pursuant to KRS Chapter 401;
- 15 y. Land use restriction according to KRS 100.3681; and
- 16 z. Filing with statutory authority for which no specific fee is set.

17 For all items in this paragraph~~[subsection]~~ if the entire thereof does not
 18 exceed

19 five (5) pages\$33.00

20 And, for all items in this paragraph~~[subsection]~~ exceeding five (5)
 21 pages,

22 for each additional page\$3.00

23 And, for all items in this paragraph~~[subsection]~~ for each additional
 24 reference

25 relating to same instrument\$4.00

26 2. The thirty-three dollar (\$33) fee imposed by this paragraph~~[subsection]~~
 27 shall be divided as follows:

- 1 (o) Every order concerning the establishment, changing, closing, or
- 2 discontinuing of roads, to be paid out of the county levy when
- 3 the road is established, changed, closed, or discontinued, and by
- 4 the applicant when it is not\$3.00
- 5 (p) Registration of licenses for professional persons required to register
- 6 with the county clerk\$10.00
- 7 (q) Certified copy of any record\$5.00
- 8 Plus fifty cents (\$.50) per page after three (3) pages
- 9 (r) Filing certification required by KRS 65.070(2)(a)\$5.00
- 10 (s) Filing notification and declaration and petition of candidates
- 11 for Commonwealth's attorney.....\$200.00
- 12 (t) Filing notification and declaration and petition of candidates for county
- 13 and independent boards of education\$20.00
- 14 (u) Filing notification and declaration and petition of candidates for
- 15 boards of soil and water conservation districts\$20.00
- 16 (v) Filing notification and declaration and petition of candidates for
- 17 other office\$50.00
- 18 (w) Filing declaration of intent to be a write-in candidate for office\$50.00
- 19 (x) Filing petitions for elections, other than nominating petitions\$50.00
- 20 (y) Notarizing any signature, per signature\$2.00
- 21 (z) Filing bond for receiving bodies under KRS 311.310\$10.00
- 22 (aa) Noting the assignment of a certificate of delinquency and recording
- 23 and indexing the encumbrance under KRS 134.126 or 134.127\$27.00
- 24 (ab) Filing a going-out-of-business permit under KRS 365.445\$50.00
- 25 (ac) Filing a renewal of a going-out-of-business permit under KRS 365.445 \$50.00
- 26 (ad) Filing and processing a transient merchant permit under KRS 365.680 . \$25.00
- 27 (ae) Recording and indexing a real estate mortgage:

1 1. For a mortgage that does not exceed thirty (30) pages.....\$63.00

2 2. And, for a mortgage that exceeds thirty (30) pages, for each additional
3 page\$3.00

4 (a) Filing or recording a lien or release of lien by a consolidated local
5 government, urban-county government, unified local government, or city of
6 any class\$20.00

7 (2) The sixty-three dollar (\$63) fee imposed by subsection (1)(ae) of this section shall
8 be divided as follows:

9 (a) Fifty-seven dollars (\$57) shall be retained by the county clerk; and

10 (b) Six dollars (\$6) shall be paid to the affordable housing trust fund established
11 in KRS 198A.710 and shall be remitted by the county clerk within ten (10)
12 days following the end of the quarter in which the fee was received. Each
13 remittance to the affordable housing trust fund shall be accompanied by a
14 summary report on a form prescribed by the Kentucky Housing Corporation.

15 (3) (a) For services related to the permanent storage of records listed in paragraphs
16 (a), (g), (n), and (ae) of subsection (1) of this section, the clerk shall be
17 entitled to receive a reimbursement of ten dollars (\$10).

18 (b) This fee shall:

19 1. Not be paid annually to the fiscal court under KRS 64.152;

20 2. Not be paid to the Finance and Administration Cabinet under KRS
21 64.345;

22 3. Be accumulated and transferred to the fiscal court or the legislative body
23 of a consolidated local government or an urban-county government on a
24 monthly basis within ten (10) days following the end of the month;

25 4. Be maintained by the fiscal court or the legislative body of a
26 consolidated local government or an urban-county government in a
27 separate bank account and accounted for in a separate fund; and

- 1 5. Not lapse to the general fund of the county, consolidated local
2 government, or urban-county government.
- 3 (c) The moneys accumulated from this fee shall be held in perpetuity by the fiscal
4 court or the legislative body of a consolidated local government or an urban-
5 county government for the county clerk's exclusive use for:
- 6 1. Equipment related to the permanent storage of and access to records,
7 including deed books, binders, shelves, microfilm equipment, and
8 fireproof equipment;
- 9 2. Hardware for the permanent storage of and access to records, including
10 computers, servers, and scanners;
- 11 3. Software for the permanent storage of and access to records, including
12 vendor services and consumer subscription fees;
- 13 4. Personnel costs for the permanent storage of and access to records,
14 including overtime costs for personnel involved in the digitization of
15 records; and
- 16 5. Cloud storage and cybersecurity services for the permanent storage of
17 and access to records.
- 18 (d) Notwithstanding KRS 68.275, claims by a county clerk that are for the
19 approved expenditures in paragraph (c) of this subsection shall be paid by the
20 county judge/executive or the chief executive officer of a consolidated local
21 government or an urban-county government by a warrant drawn on the fund
22 and co-signed by the treasurer of the county, consolidated local government,
23 or urban-county government.
- 24 (e) No later than July 1 of each year, each county fiscal court or legislative body
25 of a consolidated local government or an urban-county government shall
26 submit a report to the Legislative Research Commission detailing the receipts,
27 expenditures, and any amounts remaining in the fund.

1 ➔Section 26. KRS 66.480 is amended to read as follows:

2 (1) The governing body of a city, county, urban-county, charter county, school district
3 (provided that its general procedure for action is approved by the Kentucky Board
4 of Education), or other local governmental unit or political subdivision, may invest
5 and reinvest money subject to its control and jurisdiction in:

6 (a) Obligations of the United States and of its agencies and instrumentalities,
7 including obligations subject to repurchase agreements, if delivery of these
8 obligations subject to repurchase agreements is taken either directly or
9 through an authorized custodian. These investments may be accomplished
10 through repurchase agreements reached with sources including but not limited
11 to national or state banks chartered in Kentucky;

12 (b) Obligations and contracts for future delivery or purchase of obligations
13 backed by the full faith and credit of the United States or a United States
14 government agency, including but not limited to:

- 15 1. United States Treasury;
- 16 2. Export-Import Bank of the United States;
- 17 3. United States Department of Agriculture Rural Development~~[Farmers~~
18 ~~Home Administration]~~;
- 19 4. Government National Mortgage Corporation; and
- 20 5. Merchant Marine bonds;

21 (c) Obligations of any corporation of the United States government, including but
22 not limited to:

- 23 1. Federal Home Loan Mortgage Corporation;
- 24 2. Federal Farm Credit Banks;
- 25 3. Bank for Cooperatives;
- 26 4. Federal Intermediate Credit Banks;
- 27 5. Federal Land Banks;

- 1 6. Federal Home Loan Banks;
- 2 7. Federal National Mortgage Association; and
- 3 8. Tennessee Valley Authority;
- 4 (d) Certificates of deposit or other interest-bearing accounts issued through a
- 5 bank or savings and loan institution having a physical presence in Kentucky
- 6 which are insured by the Federal Deposit Insurance Corporation or similar
- 7 entity or which are collateralized, to the extent uninsured, by any obligations,
- 8 including surety bonds, permitted by KRS 41.240(4);
- 9 (e) Uncollateralized certificates of deposit issued by any bank or savings and loan
- 10 institution having a physical presence in Kentucky rated in one (1) of the three
- 11 (3) highest categories by a competent rating agency;
- 12 (f) Bankers' acceptances for banks rated in one (1) of the three (3) highest
- 13 categories by a competent rating agency;
- 14 (g) Commercial paper rated in the highest category by a competent rating agency;
- 15 (h) Bonds or certificates of indebtedness of this state and of its agencies and
- 16 instrumentalities;
- 17 (i) Securities issued by a state or local government, or any instrumentality of
- 18 agency thereof, in the United States, and rated in one (1) of the three (3)
- 19 highest categories by a competent rating agency;
- 20 (j) Shares of mutual funds and exchange traded funds, each of which shall have
- 21 the following characteristics:
- 22 1. The mutual fund shall be an open-end diversified investment company
- 23 registered under the Federal Investment Company Act of 1940, as
- 24 amended;
- 25 2. The management company of the investment company shall have been
- 26 in operation for at least five (5) years; and
- 27 3. All of the securities in the mutual fund shall be eligible investments

1 pursuant to this section;

2 (k) Individual equity securities if the funds being invested are managed by a
3 professional investment manager regulated by a federal regulatory agency.
4 The individual equity securities shall be included within the Standard and
5 Poor's 500 Index, and a single sector shall not exceed twenty-five percent
6 (25%) of the equity allocation; and

7 (l) Individual high-quality corporate bonds that are managed by a professional
8 investment manager that:

- 9 1. Are issued, assumed, or guaranteed by a solvent institution created and
10 existing under the laws of the United States;
- 11 2. Have a standard maturity of no more than ten (10) years; and
- 12 3. Are rated in the three (3) highest rating categories by at least two (2)
13 competent credit rating agencies.

14 (2) The investment authority provided by subsection (1) of this section shall be subject
15 to the following limitations:

16 (a) The amount of money invested at any time by a local government or political
17 subdivision in any one (1) of the categories of investments authorized by
18 subsection (1)(e), (f), (g), (k), and (l) of this section shall not exceed twenty
19 percent (20%) of the total amount of money invested by the local government;

20 (b) The amount of money invested at any one (1) time by a local government or a
21 political subdivision in the categories of investments authorized in subsection
22 (1)(j), (k), and (l) of this section shall not, aggregately, exceed forty percent
23 (40%) of the total money invested unless the investment is in a mutual fund
24 consisting solely of the investments authorized under subsection (1)(a), (b),
25 (c), (h), or (i) of this section, or any combination thereof;

26 (c) No local government or political subdivision shall purchase any investment
27 authorized by subsection (1) of this section on a margin basis or through the

1 use of any similar leveraging technique; and

2 (d) At the time the investment is made, no more than five percent (5%) of the
3 total amount of money invested by the local governments or political
4 subdivisions shall be invested in any one (1) issuer unless:

5 1. The issuer is the United States government or an agency or
6 instrumentality of the United States government, or an entity which has
7 its obligations guaranteed by either the United States government or an
8 entity, agency, or instrumentality of the United States government;

9 2. The money is invested in a certificate of deposit or other interest-bearing
10 accounts as authorized by subsection (1)(d) and (e) of this section;

11 3. The money is invested in bonds or certificates of indebtedness of this
12 state and its agencies and instrumentalities as authorized in subsection
13 (1)(h) of this section; or

14 4. The money is invested in securities issued by a state or local
15 government, or any instrumentality or agency thereof, in the United
16 States as authorized in subsection (1)(i) of this section.

17 (3) The governing body of every local government or political subdivision that invests
18 or reinvests money subject to its control or jurisdiction according to the provisions
19 of subsection (1) of this section shall by January 1, 1995, adopt a written investment
20 policy that shall govern the investment of funds by the local government or political
21 subdivision. The written investment policy shall include but shall not be limited to
22 the following:

23 (a) A designation of the officer or officers of the local government or political
24 subdivision who are authorized to invest and oversee the investment of funds;

25 (b) A list of the permitted types of investments;

26 (c) Procedures designed to secure the local government's or political subdivision's
27 financial interest in the investments;

- 1 (d) Standards for written agreements pursuant to which investments are to be
2 made;
- 3 (e) Procedures for monitoring, control, deposit, and retention of investments and
4 collateral;
- 5 (f) Standards for the diversification of investments, including diversification with
6 respect to the types of investments and firms with whom the local government
7 or political subdivision transacts business;
- 8 (g) Standards for the qualification of investment agents which transact business
9 with the local government, such as criteria covering creditworthiness,
10 experience, capitalization, size, and any other factors that make a firm capable
11 and qualified to transact business with the local government or political
12 subdivision; and
- 13 (h) Requirements for periodic reporting to the governing body on the status of
14 invested funds.
- 15 (4) Sheriffs, county clerks, county attorneys, and jailers, who for the purposes of this
16 section shall be known as county officials, may invest and reinvest money subject
17 to their control and jurisdiction, including tax dollars subject to the provisions of
18 KRS Chapter 134 and 160.510, as permitted by this section.
- 19 (5) The provisions of this section are not intended to impair the power of a county
20 official, city, county, urban-county, charter county, school district, or other local
21 governmental unit or political subdivision to hold funds in deposit accounts with
22 banking institutions as otherwise authorized by law.
- 23 (6) The governing body or county official may delegate the investment authority
24 provided by this section to the treasurer or other financial officer or officers charged
25 with custody of the funds of the local government, and the officer or officers shall
26 thereafter assume full responsibility for all investment transactions until the
27 delegation of authority terminates or is revoked.

- 1 (7) All county officials shall report the earnings of any investments at the time of their
2 annual reports and settlements with the fiscal courts for excess income of their
3 offices.
- 4 (8) The state local debt officer is authorized and directed to assist county officials and
5 local governments, except school districts, in investing funds that are temporarily in
6 excess of operating needs by:
- 7 (a) Explaining investment opportunities to county officials and local governments
8 through publication and other appropriate means; and
 - 9 (b) Providing technical assistance in investment of idle funds to county officials
10 and local governments that request that assistance.
- 11 (9) (a) The state local debt officer may create an investment pool for local
12 governments, except school districts, and county officials; and counties and
13 county officials and cities may associate to create an investment pool. If
14 counties and county officials and cities create a pool, each group may select a
15 manager to administer their pool and invest the assets. Each county and each
16 county official and each city may invest in a pool created pursuant to this
17 subsection. Investments shall be limited to those investment instruments
18 permitted by this section. The funds of each local government and county
19 official shall be properly accounted for, and earnings and charges shall be
20 assigned to each participant in a uniform manner according to the amount
21 invested. Charges to any local government or county official shall not exceed
22 one percent (1%) annually on the principal amount invested, and charges on
23 investments of less than a year's duration shall be prorated. Any investment
24 pool created pursuant to this subsection shall be audited each year by an
25 independent certified public accountant, or by the Auditor of Public Accounts.
26 A copy of the audit report shall be provided to each local government or
27 county official participating in the pool. In the case of an audit by an

1 independent certified public accountant, a copy of the audit report shall be
2 provided to the Auditor of Public Accounts, and to the state local debt officer.
3 The Auditor of Public Accounts may review the report of the independent
4 certified public accountant. After preliminary review, should discrepancies be
5 found, the Auditor of Public Accounts may make his or her own investigative
6 report or audit to verify the findings of the independent certified public
7 accountant's report.

8 (b) If the state local debt officer creates an investment pool, he or she shall
9 establish an account in the Treasury for the pool. He or she shall also establish
10 a separate trust and agency account for the purpose of covering management
11 costs, and he or she shall deposit management charges in this account. The
12 state local debt officer may promulgate administrative regulations, pursuant to
13 KRS Chapter 13A, governing the operation of the investment pool, including
14 but not limited to provisions on minimum allowable investments and
15 investment periods, and method and timing of investments, withdrawals,
16 payment of earnings, and assignment of charges.

17 (c) Before investing in an investment pool created pursuant to this subsection, a
18 local government or county official shall allow any savings and loan
19 association or bank in the county, as described in subsection (1)(d) of this
20 section, to bid for the deposits, but the local government or county official
21 shall not be required to seek bids more often than once in each six (6) month
22 period.

23 (10) (a) With the approval of the Kentucky Board of Education, local boards of
24 education, or any of them that desire to do so, may associate to create an
25 investment pool. Each local school board which associates itself with other
26 local school boards for the purpose of creating the investment pool may invest
27 its funds in the pool so created and so managed. Investments shall be limited

1 to those investment instruments permitted by this section. The funds of each
2 local school board shall be properly accounted for, and earnings and charges
3 shall be assigned to each participant in a uniform manner according to the
4 amount invested. Charges to any local school board shall not exceed one
5 percent (1%) annually on the principal amount invested, and charges on
6 investments of less than a year's duration shall be prorated. Any investment
7 pool created pursuant to this subsection shall be audited each year by an
8 independent certified public accountant, or by the Auditor of Public Accounts.
9 A copy of the audit report shall be provided to each local school board
10 participating in the pool. In the case of an audit by an independent certified
11 public accountant, a copy of the audit report shall be provided to the Auditor
12 of Public Accounts, and to the Kentucky Board of Education. The Auditor of
13 Public Accounts may review the report of the independent certified public
14 accountant. After preliminary review, should discrepancies be found, the
15 Auditor of Public Accounts may make his or her own investigative report or
16 audit to verify the findings of the independent certified public accountant's
17 report.

18 (b) The Kentucky Board of Education may promulgate administrative regulations
19 governing the operation of the investment pool including but not limited to
20 provisions on minimum allowable investments and investment periods, and
21 methods and timing of investments, withdrawals, payment of earnings, and
22 assignment of charges.

23 (11) As used in this section, "competent rating agency" means a rating agency certified
24 or approved by a national entity that engages in such a process. The certification or
25 approval process shall include but not necessarily be limited to the following
26 elements the subject rating agency must possess:

27 (a) A requirement for the rating agency to register and provide an annual updated

- 1 filing;
- 2 (b) Record retention requirements;
- 3 (c) Financial reporting requirements;
- 4 (d) Policies for the prevention of misuse of material nonpublic information;
- 5 (e) Policies addressing management of conflicts of interest, including prohibited
- 6 conflicts;
- 7 (f) Prohibited acts practices;
- 8 (g) Disclosure requirements;
- 9 (h) Any policies, practices, and internal controls required by the national entity;
- 10 and
- 11 (i) Standards of training, experience, and competence for credit analysts.

12 ➔Section 27. KRS 72.020 is amended to read as follows:

- 13 (1) Any person, hospital, or institution, finding or having possession of the body of any
- 14 person whose death occurred under any of the circumstances defined in subsections
- 15 (1) through (12) of KRS 72.025, shall immediately notify the coroner, or his or her
- 16 deputy, and a law enforcement agency, which shall report to the scene within a
- 17 reasonable time. No person shall remove the body or remove anything from the
- 18 body until directed to do so by the coroner or his or her deputy, after the law
- 19 enforcement agency is present or has failed, within a reasonable period of time, to
- 20 respond.
- 21 (2) The coroner shall take possession of any objects, medical specimens, or articles
- 22 which, in his or her opinion, may be helpful in establishing the cause of death, and
- 23 he or she can make or cause to be made such tests and examinations of said objects
- 24 as may be necessary or useful in determining the cause of death. In the event that a
- 25 criminal prosecution arises, all such objects and articles together with reports of any
- 26 examinations made upon them, shall be retained by the coroner until their
- 27 production in evidence is required by the prosecuting authority, unless otherwise

1 directed by written order of the court in which such prosecution is pending.

2 (3) Upon final disposition of each criminal prosecution under this section, the court
3 shall by appropriate written order dispose of all objects retained under the
4 provisions of this section.

5 (4) If the law enforcement officer at the scene has probable cause to believe that one of
6 the conditions in subsection (1) of this section exists and the coroner refuses to
7 require a post-mortem examination, the officer shall immediately notify the county
8 or Commonwealth's~~[Commonwealth]~~ attorney who may proceed pursuant to KRS
9 72.445.

10 (5) In all cases listed under KRS 72.025 in which a licensed embalmer, funeral director,
11 or ambulance service is notified and is the first person at the scene of death other
12 than private citizens, he or she shall notify the coroner and if the death appears to
13 fall within the categories established in subsections (1) through (12) of KRS 72.025,
14 he or she shall notify a local law enforcement agency.

15 ➔Section 28. KRS 72.026 is amended to read as follows:

16 (1) In cases requiring a post-mortem examination under KRS 72.025, the coroner or
17 medical examiner shall take a biological sample and have it tested for the presence
18 of any controlled substances which were in the body at the time of death and which
19 at the scene may have contributed to the cause of death.

20 (2) If a coroner or medical examiner determines that a drug overdose is the cause of
21 death of a person, he or she shall provide notice of the death to:

22 (a) The state registrar of vital statistics and the Department of Kentucky State
23 Police. The notice shall include any information relating to the drug that
24 resulted in the overdose. The state registrar of vital statistics shall not enter the
25 information on the deceased person's death certificate unless the information
26 is already on the death certificate;

27 (b) The licensing board for the individual who prescribed or dispensed the

1 medication, if known. The notice shall include any information relating to the
2 drug that resulted in the overdose, including the individual authorized by law
3 to prescribe or dispense drugs who dispensed or prescribed the drug to the
4 decedent; and

5 (c) For coroners only, the Commonwealth's attorney and a local law enforcement
6 agency in the circuit where the death occurred, if the death resulted from the
7 use of a Schedule I controlled substance. The notice shall include all
8 information as to the types and concentrations of Schedule I drugs detected.

9 This subsection shall not apply to reporting the name of a pharmacist who
10 dispensed a drug based on a prescription.

11 (3) The state registrar of vital statistics shall report, within five (5) business days of the
12 receipt of a certified death certificate or amended death certificate, to the Office of
13 the~~Division of~~ Kentucky State Medical Examiner~~Examiners Office~~, any death
14 which has resulted from the use of drugs or a drug overdose.

15 (4) The Justice and Public Safety Cabinet in consultation with the Office of the
16 Kentucky State Medical Examiner~~Examiners Office~~ shall promulgate
17 administrative regulations necessary to administer this section.

18 ➔Section 29. KRS 72.280 is amended to read as follows:

19 The Office of Drug Control Policy, in cooperation with the Office of the~~Division of~~
20 Kentucky State Medical Examiner~~Examiners Office~~ and its laboratory services, shall
21 prepare and publish on its website~~Web site~~ an annual public report to the secretary of
22 the Justice and Public Safety Cabinet which includes:

- 23 (1) The number of drug-related deaths;
- 24 (2) The decedent's age, race, and gender but not his or her name or address;
- 25 (3) The counties in which those deaths occurred;
- 26 (4) The scientific, trade, or generic names of the drugs involved; and
- 27 (5) The method by which the drugs were obtained, when available.

1 ➔Section 30. KRS 77.005 is amended to read as follows:

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

- 3 (1) "Legislative body" means the chief legislative body of the city, whether it is the
4 board of aldermen, general council, board of commissioners, or otherwise;
- 5 (2) "Air contaminant" or "air contaminants" includes smoke, charred paper, dust, soot,
6 grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any
7 combination thereof;
- 8 (3) "District" means an air pollution control district;
- 9 (4) "Largest city" means the city with the greatest population within the county based
10 upon the most recent federal decennial census conducted by the United States
11 Census Bureau; *and*
- 12 (5) "Person" means any individual, firm, copartnership, joint adventure, association,
13 corporation, social club, fraternal organization, estate, trust, receiver, syndicate, any
14 county, city, municipality, district (for air pollution control or otherwise), or other
15 political subdivision, or any group or combination acting as a unit, and the plural as
16 well as the singular unit; ~~and~~
- 17 ~~(6) "Ringelmann Chart" means that standard published by the United States Bureau of~~
18 ~~Mines to determine the density of smoke].~~

19 ➔Section 31. KRS 78.5540 is amended to read as follows:

- 20 (1) A retired member whose disability retirement was discontinued pursuant to KRS
21 78.5528 and who is reemployed by an employer participating in the system or the
22 Kentucky Retirement Systems prior to his or her normal retirement date shall have
23 his or her accounts combined upon termination for determining eligibility for
24 benefits. If the member is eligible for retirement, the member's service and
25 creditable compensation earned as a result of his or her reemployment shall be used
26 in the calculation of benefits, except that the member's final compensation shall not
27 be less than the final compensation last used in determining his or her retirement

1 allowance. The member shall not change beneficiary or payment option
2 designations.

3 (2) (a) If a retired member accepts employment or begins serving as a volunteer with
4 an employer participating in the systems administered by Kentucky
5 Retirement Systems or the County Employees Retirement System within
6 twelve (12) months of his or her retirement date, the retired member shall
7 notify the Authority and the participating employer shall submit the
8 information required or requested by the Authority to confirm the individual's
9 employment or volunteer status. The retired member shall not be required to
10 notify the Authority regarding any employment or volunteer service with a
11 participating agency that is accepted after twelve (12) months following his or
12 her retirement date.

13 (b) If the retired member is under a contract to provide services as an independent
14 contractor or leased employee to an employer participating in the systems
15 administered by Kentucky Retirement Systems or the County Employees
16 Retirement System within twelve (12) months of his or her retirement date,
17 the member shall submit a copy of that contract to the Authority, and the
18 Authority shall determine if the member is an independent contractor or
19 leased employee for purposes of retirement benefits. The retired member and
20 the participating employer shall submit the information required or requested
21 by the Authority to confirm the individual's status as an independent
22 contractor or leased employee. The retired member shall not be required to
23 notify the Authority regarding any services entered into as an independent
24 contractor or leased employee with a participating agency that the employee
25 enters into after twelve (12) months following his or her retirement date.

26 (3) Retired members of the County Employees Retirement System who returned to
27 work with an employer that participates in the County Employees Retirement

1 System or Kentucky Retirement Systems prior to September 1, 2008, shall be
2 governed by the provisions of KRS 61.637(1) to (16).

3 (4) The following shall apply to retired members of the County Employees Retirement
4 System who are reemployed on or after September 1, 2008, by an agency
5 participating in the systems administered by the County Employees Retirement
6 System or the Kentucky Retirement Systems:

7 (a) Except as provided by paragraphs (c) and (d) of this subsection, if a retired
8 member is receiving a retirement allowance from the County Employees
9 Retirement System, or has filed the forms required to receive a retirement
10 allowance from the County Employees Retirement System, and is employed
11 in a regular full-time position required to participate in the County Employees
12 Retirement System or the Kentucky Retirement Systems or is employed in a
13 position that is not considered regular full-time with an employer participating
14 in the County Employees Retirement System or the Kentucky Retirement
15 Systems within three (3) months following the member's initial retirement
16 date, the member's retirement shall be voided, and the member shall repay to
17 the system all benefits received, including any health insurance benefits. If the
18 retired member is returning to work in a regular full-time position required to
19 participate in the County Employees Retirement System:

- 20 1. The member shall contribute to a member account established for him or
21 her in the County Employees Retirement System or the Kentucky
22 Retirement Systems, and employer contributions shall be paid on behalf
23 of the member by the participating employer to the system; and
- 24 2. Upon subsequent retirement, the member shall be eligible for a
25 retirement allowance based upon total service and creditable
26 compensation, including any additional service or creditable
27 compensation earned after his or her initial retirement was voided;

1 (b) Except as provided by paragraphs (c) and (d) of this subsection, if a retired
2 member is receiving a retirement allowance from the County Employees
3 Retirement System and is employed in a regular full-time position required to
4 participate in the County Employees Retirement System or the Kentucky
5 Retirement Systems after a three (3) month period following the member's
6 initial retirement date, the member may continue to receive his or her
7 retirement allowance during the period of reemployment subject to the
8 following provisions:

9 1. If a member is reemployed by a participating employer within twelve
10 (12) months of the member's retirement date, the participating employer
11 shall certify in writing on a form prescribed by the Authority that no
12 prearranged agreement existed between the employee and employer
13 prior to the employee's retirement for the employee to return to work
14 with the participating employer. If the participating employer fails to
15 complete the certification or the Authority determines a prearranged
16 agreement exists, the member's retirement shall be voided and the
17 provisions of paragraph (a) of this subsection shall apply to the member
18 and the employer. For purposes of this paragraph:

19 a. If an elected official is reelected to a new term of office in the
20 same position as the elected official held prior to retirement and
21 takes office within twelve (12) months of his or her retirement
22 date, he or she shall be deemed by the Authority as having a
23 prearranged agreement; and

24 b. Employment that is accepted by the retired member after twelve
25 (12) months following the member's retirement date shall not
26 constitute a prearranged agreement under this paragraph;

27 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary,

1 the member shall not contribute to the system and shall not earn any
2 additional benefits for any work performed during the period of
3 reemployment;

4 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
5 except for any retiree employed as a school resource officer as defined
6 by KRS 158.441, the employer shall pay employer contributions as
7 specified by KRS 78.5536 and 78.635 on all creditable compensation
8 earned by the employee during the period of reemployment. The
9 additional contributions paid shall be used to reduce the unfunded
10 actuarial liability of the system; and

11 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
12 except for any retiree employed as a school resource officer as defined
13 by KRS 158.441, the employer shall be required to reimburse the system
14 for the cost of the health insurance premium paid by the system to
15 provide coverage for the retiree, not to exceed the cost of the single
16 premium. Effective July 1, 2015, local school boards shall not be
17 required to pay the reimbursement required by this subparagraph for
18 retirees employed by the board for eighty (80) days or less during the
19 fiscal year;

20 (c) If a member is receiving a retirement allowance from hazardous position
21 coverage with the County Employees Retirement System, or has filed the
22 forms required to receive a retirement allowance from the County Employees
23 Retirement System for service in a hazardous position, and is employed in a
24 regular full-time hazardous position required to participate in the County
25 Employees Retirement System or the Kentucky Retirement Systems within
26 one (1) month following the member's initial retirement date, the member's
27 retirement shall be voided, and the member shall repay to the system all

1 benefits received, including any health insurance benefits. If the member is
2 returning to work in a regular full-time position required to participate in the
3 County Employees Retirement System or the Kentucky Retirement Systems:

- 4 1. The member shall contribute to a member account established for him or
5 her in the County Employees Retirement System or the Kentucky
6 Retirement Systems, and employer contributions shall be paid on behalf
7 of the member by the participating employer; and
- 8 2. Upon subsequent retirement, the member shall be eligible for a
9 retirement allowance based upon total service and creditable
10 compensation, including any additional service or creditable
11 compensation earned after his or her initial retirement was voided;

12 (d) If a member is receiving a retirement allowance from the hazardous position
13 coverage with the County Employees Retirement System and is employed in a
14 regular full-time hazardous position required to participate in the County
15 Employees Retirement System or the Kentucky Retirement Systems after a
16 one (1) month period following the member's initial retirement date, the
17 member may continue to receive his or her retirement allowance during the
18 period of reemployment subject to the following provisions:

- 19 1. If a member is reemployed by a participating employer within twelve
20 (12) months of the member's retirement date, the participating employer
21 shall certify in writing on a form prescribed by the Authority that no
22 prearranged agreement existed between the employee and employer
23 prior to the employee's retirement for the employee to return to work
24 with the participating employer. If the participating employer fails to
25 complete the certification or the Authority determines a prearranged
26 agreement exists, the member's retirement shall be voided and the
27 provisions of paragraph (c) of this subsection shall apply to the member

1 and the employer. For purposes of this paragraph:

2 a. If an elected official is reelected to a new term of office in the
3 same position as the elected official held prior to retirement and
4 takes office within twelve (12) months of his or her retirement
5 date, he or she shall be deemed by the Authority as having a
6 prearranged agreement; and

7 b. Employment that is accepted by the retired member after twelve
8 (12) months following the member's retirement date shall not
9 constitute a prearranged agreement under this paragraph;

10 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary,
11 the member shall not contribute to the system or the Kentucky
12 Retirement Systems and shall not earn any additional benefits for any
13 work performed during the period of reemployment;

14 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
15 except for any retiree employed as a school resource officer as defined
16 by KRS 158.441, the employer shall pay employer contributions as
17 specified by KRS 78.5536 and 78.635 on all creditable compensation
18 earned by the employee during the period of reemployment. The
19 additional contributions paid shall be used to reduce the unfunded
20 actuarial liability of the system; and

21 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and
22 except for any retiree employed as a school resource officer as defined
23 by KRS 158.441, the employer shall be required to reimburse the system
24 for the cost of the health insurance premium paid by the system to
25 provide coverage for the retiree, not to exceed the cost of the single
26 premium;

27 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member

1 who qualifies as a volunteer for an employer participating in the County
2 Employees Retirement System or the Kentucky Retirement Systems and who
3 is receiving reimbursement of actual expenses, a nominal fee for his or her
4 volunteer services, or both, shall not be considered an employee of the
5 participating employer and shall not be subject to paragraphs (a) to (d) of this
6 subsection if:

- 7 1. Prior to the retired member's most recent retirement date, he or she did
8 not receive creditable compensation from the participating employer in
9 which the retired member is performing volunteer services;
- 10 2. Any reimbursement or nominal fee received prior to the retired
11 member's most recent retirement date has not been credited as creditable
12 compensation to the member's account or utilized in the calculation of
13 the retired member's benefits;
- 14 3. The retired member has not purchased or received service credit under
15 any of the provisions of KRS 78.510 to 78.852 for service with the
16 participating employer for which the retired member is performing
17 volunteer services; and
- 18 4. Other than the status of volunteer, the retired member does not become
19 an employee, leased employee, or independent contractor of the
20 employer for which he or she is performing volunteer services for a
21 period of at least twelve (12) months following the retired member's
22 most recent retirement date.

23 If a retired member, who provided volunteer services with a participating
24 employer under this paragraph violates any provision of this paragraph, then
25 he or she shall be deemed an employee of the participating employer as of the
26 date he or she began providing volunteer services and both the retired member
27 and the participating employer shall be subject to paragraphs (a) to (d) of this

1 subsection for the period of volunteer service;

2 (f) Notwithstanding any provision of this section, any mayor or member of a city
3 legislative body shall not be required to resign from his or her position as
4 mayor or as a member of the city legislative body in order to begin drawing
5 benefits from the systems administered by the Kentucky Retirement Systems
6 or the County Employees Retirement System or subject to any provision of
7 this section as it relates solely to his or her service as a mayor or member of
8 the city legislative body, if the mayor or member of a city legislative body:

- 9 1. Has not participated in the County Employees Retirement System prior
10 to retirement, but is otherwise eligible to retire from the Kentucky
11 Employees Retirement System or the State Police Retirement System; or
12 2. Has been or is participating in the County Employees Retirement
13 System and is at least sixty-two (62) years of age. If a mayor or member
14 of a city legislative body who is at least sixty-two (62) years of age
15 retires from the systems administered by Kentucky Retirement Systems
16 or the County Employees Retirement System but remains in office after
17 his or her effective retirement date, the mayor or member of the city
18 legislative body shall not accrue any further service credit or benefits in
19 the systems administered by Kentucky Retirement Systems or the
20 County Employees Retirement System for any employment occurring
21 on or after the effective retirement date;

22 (g) Notwithstanding any provision of this section, any current or future part-time
23 adjunct instructor for the Kentucky Fire Commission who has not participated
24 in the Kentucky Employees Retirement System prior to retirement, but who is
25 otherwise eligible to retire from the County Employees Retirement System,
26 shall not be:

- 27 1. Required to resign from his or her position as a part-time adjunct

- 1 instructor for the Kentucky Fire Commission in order to begin drawing
2 benefits from the County Employees Retirement System; or
- 3 2. Subject to any provision of this section as it relates solely to his or her
4 service as a part-time adjunct instructor for the Kentucky Fire
5 Commission;
- 6 (h) If a member is receiving a retirement allowance from the County Employees
7 Retirement System and enters into a contract or becomes a leased employee of
8 an employer under contract with an employer participating in the County
9 Employees Retirement System or the Kentucky Retirement Systems:
- 10 1. At any time following retirement, if the Authority determines the
11 employment arrangement does qualify as an independent contractor or
12 leased employee, the member may continue to receive his or her
13 retirement allowance during the period of the contract;
- 14 2. Within three (3) months following the member's initial retirement date,
15 if the Authority determines the employment arrangement does not
16 qualify as an independent contractor or leased employee, the member's
17 retirement shall be voided in accordance with paragraph (a) of this
18 subsection;
- 19 3. After three (3) months but within twelve (12) months following the
20 member's initial retirement, if the Authority determines the employment
21 arrangement does not qualify as an independent contractor or leased
22 employee and that a prearranged agreement existed between the member
23 and the agency for the member to return to work with the agency, the
24 member's retirement shall be voided in accordance with paragraph (a) of
25 this subsection; and
- 26 4. After a twelve (12) month period following the member's initial
27 retirement, the member may continue to receive his or her retirement

1 allowance during the period of the contract and the member shall not be
2 required to notify the Authority or submit any documentation for
3 purposes of this section to the Authority. The initiation of a contract or
4 the initial date of the leased employment of a retired member by a
5 participating agency that occurs after twelve (12) months or more
6 following the retired member's retirement date shall not constitute a
7 prearranged agreement under this subsection;

8 (i) The Authority shall issue a final determination regarding a certification of the
9 absence of a prearranged agreement or the retired member's qualification as
10 an independent contractor or leased employee as required under this section
11 no later than thirty (30) days after the retired member and participating
12 employer provide all required forms and additional information required by
13 the Authority; and

14 (j) Retired members of one (1) of the systems administered by Kentucky
15 Retirement Systems who are reemployed by an employer in the County
16 Employees Retirement System on or after September 1, 2008, shall not be
17 eligible to earn a second retirement account in the County Employees
18 Retirement System for his or her service to the employer.

19 (5) The Authority shall promulgate administrative regulations to implement the
20 requirements of this section, including incorporating by reference Authority-
21 prescribed forms that a retired member and participating agency shall provide the
22 systems under subsections (1) and (4) of this section.

23 (6) "Reemployment" or "reinstatement" as used in this section shall not include a
24 retired member who has been ordered reinstated by the Personnel Board under
25 authority of KRS 18A.095. A retired member who has been ordered reinstated by
26 the Personnel Board under authority of KRS 18A.095 or by court order or by order
27 of the Kentucky Commission on Human Rights~~[-Commission]~~ and accepts

1 employment by an agency participating in the Kentucky Employees Retirement
2 System or County Employees Retirement System shall void his or her retirement by
3 reimbursing the system in the full amount of his or her retirement allowance
4 payments received.

5 ➔Section 32. KRS 79.080 is amended to read as follows:

6 (1) The term "health maintenance organization" for the purposes of this section, means
7 a health maintenance organization as defined in KRS 304.38-030, which has been
8 issued a certificate of authority by the Department of Insurance as a health
9 maintenance organization and which is qualified under the requirements of the
10 United States Department of Health and Human Services, ~~Education and~~
11 ~~Welfare~~, except as provided in subsection (4) of this section.

12 (2) Cities of all classes, counties, and urban-county governments and the agencies of
13 cities, counties, charter county, and urban-county governments are authorized to
14 establish and operate plans for the payment of retirement, disability, health
15 maintenance organization coverage, or hospitalization benefits to their employees
16 and elected officers, and health maintenance organization coverage or
17 hospitalization benefits to the immediate families of their employees and elected
18 officers. The plan may require employees to pay a percentage of their salaries into a
19 fund from which coverage or benefits are paid, or the city, county, charter county,
20 urban-county government, or agency may pay out of its own funds the entire cost of
21 the coverage or benefits. A plan may include a combination of contributions by
22 employees and elected officers and by the city, county, charter county, urban-
23 county government, or agency into a fund from which coverage or benefits are paid,
24 or it may take any form desired by the city, county, charter county, urban-county
25 government, or agency. Each city, county, charter county, urban-county
26 government, or agency may make rules and regulations and do all other things
27 necessary in the establishment and operation of the plan.

- 1 (3) Cities of all classes, counties, charter counties, urban-county governments, the
2 agencies of cities, counties, charter counties, and urban-county governments, and all
3 other political subdivisions of the state may provide disability, hospitalization, or
4 other health or medical care coverage to their officers and employees, including
5 their elected officers, through independent or cooperative self-insurance programs
6 and may cooperatively purchase the coverages.
- 7 (4) Any city, county, charter county, or urban-county government which is a
8 contributing member to any one (1) of the retirement systems administered by the
9 state may participate in the state health insurance coverage program for state
10 employees as defined in KRS 18A.225 to 18A.229. Should any city, county, charter
11 county, or urban-county government opt at any time to participate in the state health
12 insurance coverage program, it shall do so for a minimum of three (3) consecutive
13 years. If after the three (3) year participation period, the city, county, charter
14 county, or urban-county government chooses to terminate participation in the state
15 health insurance coverage program, it will be excluded from further participation
16 for a period of three (3) consecutive years. If a city, county, charter county, or
17 urban-county government, or one (1) of its agencies, terminates participation of its
18 active employees in the state health insurance coverage program and there is a state
19 appropriation for the employer's contribution for active employees' health insurance
20 coverage, neither the unit of government, or its agency, nor the employees shall
21 receive the state-funded contribution after termination from the state employee
22 health insurance program. The three (3) year participation and exclusion cycles
23 shall take effect each time a city, county, charter county, or urban-county
24 government changes its participation status.
- 25 (5) Any city, county, charter county, urban-county government, or other political
26 subdivision of the state which employs more than twenty-five (25) persons and
27 which provides hospitalization benefits or health maintenance organization

1 coverage to its employees and elected officers, shall annually give its employees an
2 option to elect either standard hospitalization benefits or membership in a qualified
3 health maintenance organization which is engaged in providing basic health
4 services in a health maintenance service area in which at least twenty-five (25) of
5 the employees reside; except that if any city, county, charter county, urban-county
6 government, or agencies of any city, county, charter county, urban-county
7 government, or any other political subdivision of the state which does not have a
8 qualified health maintenance organization engaged in providing basic health
9 services in a health maintenance service area in which at least twenty-five (25) of
10 the employees reside, the city, county, charter county, urban-county government, or
11 agencies of the city, county, charter county, urban-county government, or any other
12 political subdivision of the state may annually give its employees an option to elect
13 either standard hospitalization benefits or membership in a health maintenance
14 organization which has been issued a certificate of authority by the Department of
15 Insurance as a health maintenance organization and which is engaged in providing
16 basic health services in a health maintenance service area in which at least twenty-
17 five (25) of the employees reside. Any premium due for health maintenance
18 organization coverage over the amount contributed by the city, county, charter
19 county, urban-county government, or other political subdivision of the state which
20 employs more than twenty-five (25) persons for any other hospitalization benefit
21 shall be paid by the employee.

22 (6) If an employee moves his or her place of residence or employment out of the
23 service area of a health maintenance organization, under which he or she has
24 elected coverage, into either the service area of another health maintenance
25 organization or into an area of the state not within a health maintenance
26 organization service area, the employee shall be given an option, at the time of the
27 move or transfer, to elect coverage either by the health maintenance organization

1 into which service area he or she moves or is transferred or to elect standard
2 hospitalization coverage offered by the employer.

3 (7) Any plan adopted shall provide that any officer or member of a paid fire or police
4 department who has completed five (5) years or more as a member of the
5 department, but who is unable to perform his or her duties by reason of heart
6 disease or any disease of the lungs or respiratory tract, is presumed to have
7 contracted his or her disease while on active duty as a result of strain or the
8 inhalation of noxious fumes, poison or gases, and shall be retired by the pension
9 board under terms of the pension system of which he or she is a member, if the
10 member passed an entrance physical examination and was found to be in good
11 health as required.

12 (8) The term "agency" as used herein shall include boards appointed to operate
13 waterworks, electric plants, hospitals, airports, housing projects, golf courses, parks,
14 health departments, or any other public project.

15 (9) After August 1, 1988, except as permitted by KRS 65.156, no new retirement plan
16 shall be created pursuant to this section, and cities which were covered by this
17 section on or prior to August 1, 1988, shall participate in the County Employees
18 Retirement System effective August 1, 1988. Any city, county, charter county,
19 urban-county, or agency thereof which provided a retirement plan for its
20 employees, pursuant to this section, on or prior to August 1, 1988, shall place
21 employees hired after August 1, 1988, in the County Employees Retirement
22 System. The city, county, charter county, urban-county, or agency thereof shall
23 offer employees hired on or prior to August 1, 1988, membership in the County
24 Employees Retirement System under the alternate participation plan as described in
25 KRS 78.530(3), but such employees may elect to retain coverage under this section.

26 ➔Section 33. KRS 106.170 is amended to read as follows:

27 Any water district or city acquiring any waterworks pursuant to the provisions of this

1 chapter~~[act]~~ may, at the time of issuing the bonds for such acquisition, provide for
2 additional bonds for extensions and permanent improvements to be placed in escrow and
3 to be negotiated from time to time as proceeds for that purpose may be necessary, or the
4 water district or city may, at any time, provide for the extension, addition or improvement
5 of the waterworks by an additional issue of bonds. Bonds placed in escrow shall, when
6 negotiated, have equal standing with the bonds of the same issue.

7 ➔Section 34. KRS 134.580 is amended to read as follows:

8 (1) As used in this section, unless the context requires otherwise:

9 (a) "Agency" means the agency of state government which administers the tax to
10 be refunded or credited; and

11 (b) "Overpayment" or "payment where no tax was due" means the excess of the
12 tax payments made over the correct tax liability determined under the terms of
13 the applicable statute without reference to the constitutionality of the statute.

14 (2) When money has been paid into the State Treasury in payment of any state taxes,
15 except ad valorem taxes, whether payment was made voluntarily or involuntarily,
16 the appropriate agency shall authorize refunds to the person who paid the tax, or to
17 his or her heirs, personal representatives or assigns, of any overpayment of tax and
18 any payment where no tax was due. When a bona fide controversy exists between
19 the agency and the taxpayer as to the liability of the taxpayer for the payment of tax
20 claimed to be due by the agency, the taxpayer may pay the amount claimed by the
21 agency to be due, and if an appeal is taken by the taxpayer from the ruling of the
22 agency within the time provided by KRS 49.220 and it is finally adjudged that the
23 taxpayer was not liable for the payment of the tax or any part thereof, the agency
24 shall authorize the refund or credit as the Board of Tax Appeals or courts may
25 direct.

26 (3) No refund shall be made unless each taxpayer individually files an application or
27 claim for the refund within four (4) years from the date payment was made. Each

1 claim or application for a refund shall be in writing and state the specific grounds
2 upon which it is based. Denials of refund claims or applications may be protested
3 and appealed in accordance with KRS 49.220 and 131.110.

4 (4) Notwithstanding any provision of this section, when an assessment of limited
5 liability entity tax is made under KRS 141.0401 against a pass-through entity~~as~~
6 ~~defined in KRS 141.206~~, the corporation or individual partners, members, or
7 shareholders of the pass-through entity shall have the greater of the time period
8 provided by this section or one hundred eighty (180) days from the date the
9 assessment becomes final to file amended returns requesting any refund of tax for
10 the taxable year of the assessment and to allow for items of income, deduction, and
11 credit to be properly reported on the returns of the partners, members, or
12 shareholders of the pass-through entity subject to adjustment.

13 (5) Refunds shall be authorized with interest as provided in KRS 131.183. The refunds
14 authorized by this section shall be made in the same manner as other claims on the
15 State Treasury are paid. They shall not be charged against any appropriation, but
16 shall be deducted from tax receipts for the current fiscal year.

17 (6) Nothing in this section shall be construed to authorize the agency to make or cause
18 to be made any refund except within four (4) years of the date prescribed by law for
19 the filing of a return including any extension of time for filing the return, or the date
20 the money was paid into the State Treasury, whichever is the later, except in any
21 case where the assessment period has been extended by written agreement between
22 the taxpayer and the department, the limitation contained in this subsection shall be
23 extended accordingly. Nothing in this section shall be construed as requiring the
24 agency to authorize any refund to a taxpayer without demand from the taxpayer, if
25 in the opinion of the agency the cost to the state of authorizing the refund would be
26 greater than the amount that should be refunded or credited.

27 (7) This section shall not apply to any case in which the statute may be held

1 unconstitutional, either in whole or in part.

2 (8) In cases in which a statute has been held unconstitutional, taxes paid thereunder
3 may be refunded to the extent provided by KRS 134.590, and by the statute held
4 unconstitutional.

5 (9) No person shall secure a refund of motor fuels tax under KRS 134.580 unless the
6 person holds an unrevoked refund permit issued by the department before the
7 purchase of gasoline or special fuels and that permit entitles the person to apply for
8 a refund under KRS 138.344 to 138.355.

9 (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary:

10 (a) The Commonwealth hereby revokes and withdraws its consent to suit in any
11 forum whatsoever on any claim for recovery, refund, or credit of any tax
12 overpayment for any taxable year ending before December 31, 1995, made by
13 an amended return or any other method after December 22, 1994, and based
14 on a change from any initially filed separate return or returns to a combined
15 return under the unitary business concept or to a consolidated return. No such
16 claim shall be effective or recognized for any purpose;

17 (b) Any stated or implied consent for the Commonwealth of Kentucky, or any
18 agent or officer of the Commonwealth of Kentucky, to be sued by any person
19 for any legal, equitable, or other relief with respect to any claim for recovery,
20 refund, or credit of any tax overpayment for any taxable year ending before
21 December 31, 1995, made by an amended return or any other method after
22 December 22, 1994, and based on a change from any initially filed separate
23 return or returns to a combined return under the unitary business concept or to
24 a consolidated return, is hereby withdrawn; and

25 (c) The provisions of this subsection shall apply retroactively for all taxable years
26 ending before December 31, 1995, and shall apply to all claims for such
27 taxable years pending in any judicial or administrative forum.

- 1 (11) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary:
- 2 (a) No money shall be drawn from the State Treasury for the payment of any
- 3 claim for recovery, refund, or credit of any tax overpayment for any taxable
- 4 year ending before December 31, 1995, made by an amended return or any
- 5 other method after December 22, 1994, and based on a change from any
- 6 initially filed separate return or returns to a combined return under the unitary
- 7 business concept or to a consolidated return; and
- 8 (b) No provision of the Kentucky Revised Statutes shall constitute an
- 9 appropriation or mandated appropriation for the payment of any claim for
- 10 recovery, refund, or credit of any tax overpayment for any taxable year ending
- 11 before December 31, 1995, made by an amended return or any other method
- 12 after December 22, 1994, and based on a change from any initially filed
- 13 separate return or returns to a combined return under the unitary business
- 14 concept or to a consolidated return.

15 ➔Section 35. KRS 136.658 is amended to read as follows:

- 16 (1) The Local Distribution Fund Oversight Committee is hereby created and
- 17 administratively attached to and staffed by the department. The oversight
- 18 committee shall consist of nine (9) members appointed by the Governor and shall
- 19 be representative of local government and state government officials. The Governor
- 20 shall receive recommendations for four (4) members each from the Kentucky
- 21 Association of Counties and the Kentucky League of Cities from which the
- 22 Governor shall select two (2) members each. The Governor shall receive
- 23 recommendations for two (2) members each from the Kentucky School Board
- 24 Association, the Kentucky Association of School Superintendents ~~Association~~,
- 25 and the Kentucky School Administrators Association from which the Governor
- 26 shall select one (1) member each. One (1) member shall be appointed by the
- 27 Governor to represent the interests of special districts other than school districts.

1 The remaining member shall be the commissioner of the Department for Local
2 Government, who shall serve as chairperson of the oversight committee. The
3 members shall serve for a term of three (3) years. Five (5) members of the oversight
4 committee shall constitute a quorum. A member may be removed for cause in
5 accordance with procedures established by the oversight committee and shall serve
6 without salary but shall be reimbursed for expenses in the same manner as state
7 employees. Any vacancy occurring on the oversight committee shall be filled by the
8 Governor for the unexpired term.

9 (2) The duties of the oversight committee shall be:

10 (a) To monitor the department's implementation and distribution of funds from
11 the gross revenues and excise tax fund and the state baseline and local growth
12 fund and to report its findings to the commissioner of the department; and

13 (b) To act as a finder of fact for the commissioner of the department in disputes in
14 and between political subdivisions, school districts, special districts, and
15 sheriff departments, and between political subdivisions, school districts,
16 special districts, and sheriff departments, and the department regarding the
17 implementation and distribution of funds from the gross revenues and excise
18 tax fund and the state baseline and local growth fund.

19 (3) The department shall provide the oversight committee with an annual report
20 reflecting the amounts distributed to each participating political subdivision, school
21 district, special district, or sheriff department.

22 (4) Any political subdivision, school district, special district, or sheriff department may
23 file a complaint and request a hearing with the oversight committee on a form
24 prescribed by the committee. The oversight committee shall give notice to any
25 political subdivision, school district, special district, or sheriff department that may
26 be affected by the complaint. Any political subdivision, school district, special
27 district, or sheriff department intending to respond to the complaint shall do so in

1 writing within thirty (30) days of notice of the complaint.

2 (5) In conducting its business:

3 (a) The oversight committee shall give due notice of the times and places of its
4 hearings;

5 (b) The parties shall be entitled to be heard, to present evidence, and to examine
6 and cross-examine witnesses;

7 (c) The oversight committee shall act by majority vote;

8 (d) The oversight committee shall adopt and publish rules of procedure and
9 practice regarding its hearings; and

10 (e) The oversight committee shall make written findings and recommendations to
11 the commissioner of the department.

12 (6) The commissioner of the department shall review the findings and
13 recommendations of the oversight committee and issue a final ruling within sixty
14 (60) days of receipt of the recommendations.

15 (7) The parties in the dispute shall have the rights and duties to appeal any final ruling
16 to the Board of Tax Appeals under KRS 49.220.

17 (8) Nothing contained in this section shall prevent at any time a written compromise of
18 any matter or matters in dispute, if otherwise lawful, by the parties to the hearing
19 process.

20 ➔Section 36. KRS 138.210 is amended to read as follows:

21 As used in KRS 138.220 to 138.446, unless the context requires otherwise:

22 (1) "Accountable loss" means loss or destruction of "received" gasoline or special fuel
23 through wrecking of transportation conveyance, explosion, fire, flood or other
24 casualty loss, or contaminated and returned to storage. The loss shall be reported
25 within thirty (30) days after discovery of the loss to the department in a manner and
26 form prescribed by the department, supported by proper evidence which in the sole
27 judgment of the department substantiates the alleged loss or contamination and

1 which is confirmed in writing to the reporting dealer by the department. The
2 department may make any investigation deemed necessary to establish the bona
3 fide claim of the loss;

4 (2) "Agricultural purposes" means purposes directly related to the production of
5 agricultural commodities and the conducting of ordinary activities on the farm;

6 (3) "Annual survey value" means the average of the quarterly survey values for a fiscal
7 year, as determined by the department, based upon surveys taken during the first
8 month of each quarter of the fiscal year;

9 (4) "Average wholesale price" means the weighted average per gallon wholesale price
10 of gasoline, based on the quarterly survey value as determined by the department,
11 and as adjusted by KRS 138.228;

12 (5) "Bulk storage facility" means gasoline or special fuels storage facilities of not less
13 than twenty thousand (20,000) gallons owned or operated at one (1) location by a
14 single owner or operator for the purpose of storing gasoline or special fuels for
15 resale or delivery to retail outlets or consumers;

16 (6) "Dealer" means any person who is:

17 (a) Regularly engaged in the business of refining, producing, distilling,
18 manufacturing, blending, or compounding gasoline or special fuels in this
19 state;

20 (b) Regularly importing gasoline or special fuel, upon which no tax has been
21 paid, into this state for distribution in bulk to others;

22 (c) Distributing gasoline from bulk storage in this state;

23 (d) Regularly engaged in the business of distributing gasoline or special fuels
24 from bulk storage facilities primarily to others in arm's-length transactions;

25 (e) In the case of gasoline, receiving or accepting delivery within this state of
26 gasoline for resale within this state in amounts of not less than an average of
27 one hundred thousand (100,000) gallons per month during any prior

- 1 consecutive twelve (12) months' period, when in the opinion of the
2 department, the person has sufficient financial rating and reputation to justify
3 the conclusion that he or she will pay all taxes and comply with all other
4 obligations imposed upon a dealer; or
- 5 (f) Regularly exporting gasoline or special fuels;
- 6 (7) "Department" means the Department of Revenue;
- 7 (8) "Diesel fuel" means any liquid other than gasoline that, without further processing
8 or blending, is suitable for use as a fuel in a diesel powered highway vehicle. Diesel
9 fuel does not include unblended kerosene, No. 5, and No. 6 fuel oil as described in
10 ASTM specification D 396 or F-76 Fuel Naval Distillate MILL-F-166884;
- 11 (9) "Dyed diesel fuel" means diesel fuel that is required to be dyed under United States
12 Environmental Protection Agency rules for high sulfur diesel fuel, or is dyed under
13 the Internal Revenue Service rules for low sulfur fuel, or pursuant to any other
14 requirements subsequently set by the United States Environmental Protection
15 Agency or the Internal Revenue Service;
- 16 (10) "Financial instrument" means a bond issued by a corporation authorized to do
17 business in Kentucky, a line of credit, or an account with a financial institution
18 maintaining a compensating balance;
- 19 (11) "Gasoline" means all liquid fuels, including liquids ordinarily, practically, and
20 commercially usable in internal combustion engines for the generation of power,
21 and all distillates of and condensates from petroleum, natural gas, coal, coal tar,
22 vegetable ferments, and all other products so usable which are produced, blended,
23 or compounded for the purpose of operating motor vehicles, showing a flash point
24 of 110 degrees Fahrenheit or below, using the Elliott Closed Cup Test, or when
25 tested in a manner set forth in the annual book of ASTM International standards,
26 supplements, and revisions~~[approved by the United States Bureau of Mines]~~, are
27 prima facie commercially usable in internal combustion engines. The term

1 "gasoline" as used herein shall include casing head, absorption, natural gasoline,
2 and condensates when used without blending as a motor fuel, sold for use in motors
3 direct, or sold to those who blend for their own use, but shall not include: propane,
4 butane, or other liquefied petroleum gases, kerosene, cleaner solvent, fuel oil, diesel
5 fuel, crude oil or casing head, absorption, natural gasoline and condensates when
6 sold to be blended or compounded with other less volatile liquids in the
7 manufacture of commercial gasoline for motor fuel, industrial naphthas, rubber
8 solvents, Stoddard solvent, mineral spirits, VM and P & naphthas, turpentine
9 substitutes, pentane, hexane, heptane, octane, benzene, benzine, xylol, toluol,
10 aromatic petroleum solvents, alcohol, and liquefied gases which would not exist as
11 liquids at a temperature of sixty (60) degrees Fahrenheit and a pressure of 14.7
12 pounds per square inch absolute, unless the products are used wholly or in
13 combination with gasoline as a motor fuel;

14 (12) "Motor vehicle" means any vehicle, machine, or mechanical contrivance propelled
15 by an internal combustion engine and licensed for operation and operated upon the
16 public highways and any trailer or semitrailer attached to or having its front end
17 supported by the motor vehicles;

18 (13) "Public highways" means every way or place generally open to the use of the public
19 as a matter or right for the purpose of vehicular travel, notwithstanding that they
20 may be temporarily closed or travel thereon restricted for the purpose of
21 construction, maintenance, repair, or reconstruction;

22 (14) (a) "Quarterly survey value" means a value determined by the department for
23 each calendar quarter of the weighted average per gallon wholesale price of
24 gasoline, determined from information available through independent
25 statistical surveys of gasoline prices or, if requested, from information
26 furnished by licensed gasoline dealers. The department shall determine,
27 within twenty (20) days following the end of the first month of each calendar

1 quarter, the weighted average of per gallon wholesale selling prices of
2 gasoline for the previous month. That value shall be the quarterly survey
3 value for the beginning of the following calendar quarter.

4 (b) "Quarterly survey value" shall be determined exclusive of any federal
5 gasoline tax and any fee on imported oil imposed by the Congress of the
6 United States;

7 (15) "Received" or "received gasoline" or "received special fuels" shall have the
8 following meanings:

9 (a) Gasoline and special fuels produced, manufactured, or compounded at any
10 refinery in this state or acquired by any dealer and delivered into or stored in
11 refinery, marine, or pipeline terminal storage facilities in this state shall be
12 deemed to be received when it has been loaded for bulk delivery into tank cars
13 or tank trucks consigned to destinations within this state. For the purpose of
14 the proper administration of this chapter and to prevent the evasion of the tax
15 and to enforce the duty of the dealer to collect the tax, it shall be presumed
16 that all gasoline and special fuel loaded by any licensed dealer within this
17 state into tank cars or tank trucks is consigned to destinations within this state,
18 unless the contrary is established by the dealer, pursuant to administrative
19 regulations prescribed by the department; and

20 (b) Gasoline and special fuels acquired by any dealer in this state, and not
21 delivered into refinery, marine, or pipeline terminal storage facilities, shall be
22 deemed to be received when it has been placed into storage tanks or other
23 containers for use or subject to withdrawal for use, delivery, sale, or other
24 distribution. Dealers may sell gasoline or special fuels to licensed bonded
25 dealers in this state in transport truckload, carload, or cargo lots, withdrawing
26 it from refinery, marine, pipeline terminal, or bulk storage tanks, without
27 paying the tax. In these instances, the licensed bonded dealer purchasing the

1 gasoline or special fuels shall be deemed to have received that fuel at the time
2 of withdrawal from the seller's storage facility and shall be responsible to the
3 state for the payment of the tax thereon;

4 (16) "Refinery" means any place where gasoline or special fuel is refined, manufactured,
5 compounded, or otherwise prepared for use;

6 (17) "Retail filling station" means any place accessible to general public vehicular traffic
7 where gasoline or special fuel is or may be placed into the fuel supply tank of a
8 licensed motor vehicle;

9 (18) "Special fuels" means and includes all combustible gases and liquids capable of
10 being used for the generation of power in an internal combustion engine to propel
11 vehicles of any kind upon the public highways, including diesel fuel, and dyed
12 diesel fuel used exclusively for nonhighway purposes in off-highway equipment
13 and in nonlicensed motor vehicles, except that it does not include gasoline, aviation
14 jet fuel, kerosene unless used wholly or in combination with special fuel as a motor
15 fuel, or liquefied petroleum gas as defined in KRS 234.100;

16 (19) "Storage" means all gasoline and special fuels produced, refined, distilled,
17 manufactured, blended, or compounded and stored at a refinery storage or delivered
18 by boat at a marine terminal for storage, or delivered by pipeline at a pipeline
19 terminal, delivery station, or tank farm for storage;

20 (20) "Transporter" means any person who transports gasoline or special fuels on which
21 the tax has not been paid or assumed; and

22 (21) "Wholesale floor price" means:

23 (a) Prior to April 1, 2015, one dollar and seventy-eight and six-tenths cents
24 (\$1.786) per gallon; and

25 (b) On and after April 1, 2015, two dollars and seventeen and seven-tenths cents
26 (\$2.177) per gallon.

27 ➔Section 37. KRS 147A.021 is amended to read as follows:

- 1 (1) The Department for Local Government shall have the following powers and duties:
- 2 (a) To require any reports from local governments that will enable it adequately
- 3 to provide the technical and advisory assistance authorized by this section;
- 4 (b) To encourage, conduct, or participate in training courses in procedures and
- 5 practices for the benefit of local officials, and in connection therewith, to
- 6 cooperate with associations of public officials, business and professional
- 7 organizations, university faculties, or other specialists;
- 8 (c) To request assistance and information, which shall be provided by all
- 9 departments, divisions, boards, bureaus, commissions, and other agencies of
- 10 state government to enable the Department for Local Government to carry out
- 11 its duties under this section;
- 12 (d) At its discretion, to compile and publish annually a report on local
- 13 government; and
- 14 (e) To administer the provisions of KRS 65A.010 to 65A.090.
- 15 (2) The Department for Local Government shall coordinate for the Governor the state's
- 16 responsibility for, and shall be responsible for liaison with the appropriate state and
- 17 federal agencies with respect to, the following programs:
- 18 (a) Demonstration cities and metropolitan development act as amended with the
- 19 exception of Title I of the Housing and Community Development Act of 1974
- 20 as amended through 1981;
- 21 (b) United States Department of Agriculture Rural Development~~Farmers Home~~
- 22 ~~Administration~~];
- 23 (c) Veterans Administration Act as amended, as it pertains to housing.
- 24 (3) The Department for Local Government shall provide technical assistance and
- 25 information to units of local government, including but not limited to:
- 26 (a) Personnel administration;
- 27 (b) Ordinances and codes;

- 1 (c) Community development;
- 2 (d) Appalachian Regional Development Program;
- 3 (e) Economic Development Administration Program;
- 4 (f) Intergovernmental Personnel Act Program;
- 5 (g) Land and Water Conservation Fund Program;
- 6 (h) Area Development Fund Program;
- 7 (i) Joint Funding Administration Program;
- 8 (j) State clearinghouse for A-95 review;
- 9 (k) The memorandums of agreement with the area development districts to
- 10 provide management assistance to local governments; and
- 11 (l) The urban development office.
- 12 (4) The Department for Local Government shall exercise all of the functions of the
- 13 state local finance officer provided in KRS Chapters 66, 68, and 131 relating to the
- 14 control of funds of counties, cities, and other units of local government.
- 15 (5) Upon request of the Administrative Office of the Courts, the Department for Local
- 16 Government shall evaluate the financial condition of any local unit of government
- 17 selected to participate in a court facilities construction or renovation project under
- 18 KRS 26A.160 and shall certify to the Administrative Office of the Courts the local
- 19 unit of government's ability to participate in the project.
- 20 ➔Section 38. KRS 148.260 is amended to read as follows:
- 21 (1) There is hereby created and established an agency of state government to be known
- 22 as the Kentucky Horse Park Commission, which shall constitute a separate
- 23 administrative body of state government within the meaning of KRS 12.010(8) and
- 24 under the provisions of KRS 12.015 shall be attached to the Tourism, Arts and
- 25 Heritage Cabinet for administrative purposes.
- 26 (2) The commission shall be composed of the following fifteen (15) members:
- 27 (a) Thirteen (13) members appointed by the Governor who possess the ability to

1 provide broad management expertise and direction in the operation of the
2 Kentucky Horse Park and, to the extent possible, represent the diverse
3 interests of the Kentucky horse industry, four (4) or more of whom represent
4 the equine industry and four (4) or more of whom are active in industry,
5 tourism, or commerce. The members of the commission appointed under this
6 paragraph shall serve for a term of four (4) years, except that initial
7 appointments shall be as follows:

- 8 1. Four (4) members shall serve for a term of two (2) years;
- 9 2. Five (5) members shall serve for a term of three (3) years; and
- 10 3. Four (4) members shall serve for a term of four (4) years; and

11 (b) The secretary of the Cabinet for Economic Development and the secretary of
12 the Tourism, Arts and Heritage Cabinet, who shall serve as ex officio
13 members with full voting rights.

14 (3) The Governor shall designate one (1) member of the commission to serve as
15 chairperson and one (1) member of the commission to serve as vice chairperson,
16 both of whom shall serve at the pleasure of the Governor. The vice chairperson
17 shall preside over meetings in the absence of the chairperson.

18 (4) The commission shall meet quarterly, and the chairperson shall preside over the
19 meetings. The chairperson may call special meetings of the commission upon a
20 request of the majority of the members of the commission, or upon request of the
21 Governor.

22 (5) Members shall be reimbursed only for expenses incurred in the discharge of official
23 business, subject to regulations established by the Finance and Administration
24 Cabinet. All expenses reimbursed to members shall be paid from operating funds of
25 the Kentucky Horse Park.

26 (6) The commission shall establish and maintain an office at the Kentucky ~~State~~
27 ~~Horse~~ Park for the transaction of its business and shall not establish any branch

1 office. The commission may hold meetings at any other place when the
2 convenience of the commission requires.

3 (7) The commission shall be authorized to adopt bylaws providing for the call of its
4 meetings, which shall be held at least quarterly, and for its operating procedures. A
5 quorum of the commission shall consist of eight (8) members, and a quorum of
6 members present at any duly-called meeting may act upon any matter before it for
7 consideration. Each member shall have one (1) vote.

8 (8) The Governor may establish an advisory committee to advise in the administration,
9 development, and operation of the Kentucky Horse Park or other functions,
10 activities, and programs provided for or authorized by KRS 148.260 to 148.320.

11 ➔Section 39. KRS 148.270 is amended to read as follows:

12 (1) The commission shall be a body corporate with usual corporate powers. ~~{}~~Full
13 minutes and records shall be kept of all meetings of the board and all official
14 actions shall be recorded.

15 (2) The commission shall appoint an executive director, who shall hold office during its
16 pleasure and shall devote his or her entire time to the duties of ~~the~~~~{his}~~ office. ~~{~~
17 ~~}~~The executive director shall be the chief administrative officer and secretary of the
18 commission and shall provide the staff direction and coordination in implementing
19 the program and discharging the duties of the commission. ~~{}~~The executive director
20 shall serve as the administrative head of the Kentucky ~~{State}~~Horse Park, thereby
21 overseeing daily operations of the park. The secretary shall keep a full and true
22 record of all the proceedings of the commission, of all books and papers ordered
23 filed by the commission, and of all orders made by the commission or approved and
24 confirmed by it and ordered filed, and shall be responsible to it for the safe custody
25 and preservation of all such documents in its office. ~~{}~~All documents shall be
26 subject to the open records provisions of KRS 61.870 to 61.884. The commission
27 shall designate from time to time staff persons to perform the duties of the

1 executive director during his or her absence, and during the absence, the persons so
2 designated shall possess the same powers as ~~the~~~~their~~ principal.

3 (3) The commission acting through the executive director may employ such additional
4 staff as necessary to perform the duties and exercise the powers conferred upon it
5 by the provisions of KRS 148.260 to 148.320.

6 ➔Section 40. KRS 149.401 is amended to read as follows:

7 (1) Without limiting the general authority granted to a county by KRS 67.083 and the
8 general authority granted to a city by KRS 82.082, a city or county may enact an
9 ordinance banning all open burning during periods of extraordinary forest fire
10 hazard or fire occurrence. Such ordinance may authorize the implementation of
11 such a ban by executive order of the chief executive officer upon notice by the
12 Division of Forestry that a period of extraordinary forest fire hazard or fire
13 occurrence exists.

14 (2) Any ordinance promulgated by a city or county pursuant to subsection (1) of this
15 section may establish penalties for violation of the ordinance not to exceed the
16 penalties set forth in KRS 149.990(2).

17 (3) Any ordinance promulgated by a city or county pursuant to subsection (1) of this
18 section may be enforced by the promulgating body, or by the cabinet, and referred
19 to the appropriate county or Commonwealth's~~Commonwealth~~ attorney for
20 prosecution.

21 ➔Section 41. KRS 150.0241 is amended to read as follows:

22 (1) As used in this section unless the context otherwise requires:

23 (a) "Commission" has the same meaning as in KRS 150.010;

24 (b) "Commission-managed lands" means those lands owned by the commission,
25 those lands owned by the Commonwealth over which the commission holds
26 management authority, or those privately owned lands that are leased or
27 managed by the commission; and

- 1 (c) "Hunting" means the lawful pursuit, trapping, shooting, capture, collection, or
2 killing of wildlife or the lawful attempt to do the same.
- 3 (2) Commission-managed lands shall be open to access and use for hunting except as
4 limited by the commission for reasons of fish or wildlife management, or as
5 otherwise limited by a statute outside KRS Chapter 150 or 235.
- 6 (3) The commission, in exercising its authority under the Constitution of the
7 Commonwealth of Kentucky and statutes, shall exercise its authority consistent
8 with subsection (2) of this section, in a manner that supports, promotes, and
9 enhances hunting opportunities to the extent authorized by law.
- 10 (4) Commission land management decisions and actions, including decisions made by
11 private owners to close land managed by the commission, shall not result in any net
12 loss of habitat land acreage available for hunting opportunities on commission-
13 managed lands that exists on July 15, 2010. The commission shall expeditiously
14 find replacement acreage for hunting to compensate for closures of any existing
15 hunting land. Replacement lands shall, to the greatest extent possible, be located
16 within the same commission district and shall be consistent with the hunting
17 discipline that the commission allowed on the closed land.
- 18 (5) Any state agency that owns or manages lands shall assist and coordinate and
19 cooperate with the commission to allow hunting on these lands if the lands are
20 determined by the commission and that agency to be suitable for hunting. To ensure
21 no net loss of land acreage available for hunting, state agencies shall cooperate with
22 the commission to open new, additional hunting lands to replace lost hunting
23 acreage. Lands officially designated as units within the state park system may be
24 considered for replacement hunting lands and may be open for hunting when
25 necessary as a wildlife control or management tool as determined by the
26 Department of Parks.
- 27 (6) By October 1 of each year, the commissioner shall submit to the Legislative

1 Research Commission and the Interim Joint Committee on Natural Resources and
2 Energy~~Environment~~ a written report describing:

3 (a) The acreage managed by the commission that was closed to hunting during
4 the previous fiscal year and the reasons for the closures; and

5 (b) The acreage managed by the commission that was opened to hunting to
6 compensate for closures of existing land pursuant to subsection (4) of this
7 section.

8 (7) By October 1 of each year, any state agency that owns or manages lands shall
9 submit a written report to the commission, the Legislative Research Commission,
10 and the Interim Joint Committee on Natural Resources and Energy~~Environment~~
11 describing:

12 (a) A list of properties that were open for hunting during the previous fiscal year;

13 (b) A list of properties that were not open for hunting during the previous fiscal
14 year; and

15 (c) 1. The acreage for each property and the county where each property is
16 located, including lands on which a right-of-way exists which make the
17 lands unsuitable for hunting, and an explanation of why the right-of-way
18 makes the land unsuitable for hunting; and

19 2. Parcels under fifty (50) acres. No agency shall subdivide land it owns or
20 manages into parcels under fifty (50) acres in an attempt to avoid
21 compliance with the provisions of this section.

22 (8) The first report under this section shall be due no later than October 1, 2010.

23 ➔Section 42. KRS 150.740 is amended to read as follows:

24 (1) There shall be a ban on the importation of live members of the animal family
25 Cervidae into the Commonwealth that have not been subject to a program of
26 surveillance and identification for cervid chronic wasting disease (CWD) that meets
27 or exceeds:

- 1 (a) The requirements of the Kentucky Cervid CWD Surveillance and
2 Identification (CCWDSI) Program set forth in this section and in
3 administrative regulations promulgated by the Kentucky Department of
4 Agriculture; and
- 5 (b) Any other health requirements as regulated by the Kentucky Department of
6 Agriculture or the United States Department of Agriculture for cervids.
- 7 (2) The Kentucky Department of Agriculture shall be responsible for authorizing
8 importation of the members of the animal family Cervidae into the Commonwealth
9 that have been subject to a program of surveillance and identification for cervid
10 CWD that meets or exceeds:
- 11 (a) The requirements of the Kentucky CCWDSI Program set forth in this section
12 and in administrative regulations promulgated by the Kentucky Department of
13 Agriculture; and
- 14 (b) Any other health requirements as regulated by the Kentucky Department of
15 Agriculture or the United States Department of Agriculture for cervids.
- 16 (3) Members of the animal family Cervidae shall not be eligible for importation into
17 the Commonwealth unless the program of surveillance and identification for cervid
18 CWD to which they have been subject:
- 19 (a) Has been certified by the exporting state's state veterinarian or agency having
20 jurisdiction over that state's surveillance and identification program;
- 21 (b) Has been approved by the Kentucky state veterinarian as meeting or
22 exceeding the standards imposed under the Kentucky CCWDSI Program; and
- 23 (c) Meets, at minimum, the following requirements:
- 24 1. The program shall require cervid owners to obtain identification and
25 laboratory diagnosis from brain tissue as directed by the exporting
26 state's state veterinarian or agency with jurisdiction for cervids twelve
27 (12) months of age or greater that:

- 1 a. Display clinical signs of CWD;
- 2 b. Die, including deaths by slaughter or by hunting, including
- 3 hunting on hunting preserves; or
- 4 c. Are ill or injured regardless of whether the illness or injury results
- 5 in death; and
- 6 2. The program shall require cervid owners to obtain cervids from herds
- 7 that have been monitored for at least five (5) years and that have
- 8 complied with the standards contained in the Kentucky CCWDSI
- 9 Program.
- 10 (4) Cervids originating from a state that has reported a confirmed case of CWD in wild
- 11 or captive cervids shall not be imported into Kentucky until The United States
- 12 Department of Agriculture approves:
- 13 (a) Regulations that allow importation from those states; and
- 14 (b) A live test for CWD that is available for live testing of cervids.
- 15 (5) Importation of members of the animal family Cervidae into the Commonwealth
- 16 shall be consistent with this section and with administrative regulations
- 17 promulgated by the Kentucky Department of Agriculture in cooperation with the
- 18 Kentucky Department of Fish and Wildlife Resources.
- 19 (6) A person shall be guilty of a Class D felony upon conviction for violating this
- 20 section. Upon conviction of a second violation of this section and in addition to all
- 21 other penalties, a person shall be permanently ineligible for renewal of a captive
- 22 cervid permit. On or before November 1 of each year, the Department of Fish and
- 23 Wildlife Resources and the Department of Agriculture, Office of the State
- 24 Veterinarian, respectively shall issue reports to the Interim Joint Committee on
- 25 Agriculture and the Interim Joint Committee on Natural Resources and
- 26 Energy~~Environment~~ on the status of chronic wasting disease, and the reports may
- 27 include the status of other animal or wildlife diseases in Kentucky and the United

1 States. The reports shall be used for the purpose of determining the need for
2 modifications to the statutory ban on the importation of cervids into the
3 Commonwealth.

4 (7) The Department of Fish and Wildlife Resources shall have the authority to
5 immediately, and without compensation to the owner, seize captive cervids that
6 have been imported into the Commonwealth contrary to this section. The individual
7 whose cervids were seized may request an administrative hearing pursuant to KRS
8 Chapter 13B within thirty (30) days of the department's seizure and may appeal the
9 final decision to Franklin Circuit Court in accordance with KRS Chapter 13B.
10 Pending the final outcome of all appeals, the seized cervids may be disposed of by
11 the department without compensation to the owner.

12 (8) The department shall have the authority to immediately, and without compensation
13 to the owner, seize and destroy captive cervids that are in the process of being
14 imported into the Commonwealth contrary to this section.

15 (9) A captive cervid originating from outside the Commonwealth of Kentucky which is
16 in transit, as defined in KRS 150.725 and which is being transported through the
17 Commonwealth to another state or nation of destination shall meet the entry
18 requirements of the state or nation of destination.

19 (10) A person intending to transport a captive cervid through Kentucky shall, prior to the
20 captive cervid entering Kentucky, obtain a transportation permit from the Office of
21 the State Veterinarian. This permit shall specify that:

22 (a) A captive cervid being transported through Kentucky shall not remain in
23 Kentucky for more than twenty-four (24) hours from the time of entry and, if
24 this requirement cannot be met once the animal is in Kentucky, the Office of
25 the State Veterinarian shall be contacted to secure a variance to the permit;

26 (b) A captive cervid being transported through Kentucky shall not leave the
27 transport vehicle while in Kentucky; and

1 (c) The person transporting the captive cervid through Kentucky shall follow the
2 routes specified in the transport permit, if this requirement cannot be met once
3 the animal is in Kentucky, the Office of the State Veterinarian shall be
4 contacted to secure a variance to the permit.

5 ➔Section 43. KRS 151.7282 is amended to read as follows:

6 By July 1 of each year preceding the convening of the General Assembly in even-
7 numbered-year regular session, the authority shall provide the projected six (6) year
8 construction and preconstruction program to the Interim Joint Committee on Natural
9 Resources and Energy~~Environment~~, the Capital Planning Advisory Board, and the
10 Interim Joint Committee on Appropriations and Revenue.

11 ➔Section 44. KRS 152.713 is amended to read as follows:

12 (1) For purposes of this section, "renewable energy" has the same meaning as in KRS
13 154.20-400.

14 (2) The Center for Renewable Energy Research and Environmental Stewardship is
15 hereby created.

16 (3) The Center for Renewable Energy Research and Environmental Stewardship shall:

17 (a) Provide leadership, research, support, and policy development in renewable
18 energy;

19 (b) Advance the goal of renewable energy;

20 (c) Promote technologies, practices, and programs that increase efficiency in
21 energy utilization in homes, businesses, and public buildings;

22 (d) Emphasize energy policies that would result in cost-conscious, responsible
23 development of Kentucky's energy resources and a commitment to
24 environmental quality;

25 (e) Promote partnerships among the state's postsecondary education institutions,
26 private industry, and nonprofit organizations to actively pursue federal
27 research and development resources that are dedicated to renewable energy;

- 1 (f) Promote the continued development of public-private partnerships dedicated
2 to promoting energy efficiency through education and outreach;
- 3 (g) Establish research priorities with approval of the board of directors created in
4 subsection (4) of this section, relating to renewable energy, and develop
5 procedures and processes for awarding research grants to eligible recipients as
6 defined by the board and to the extent that funding is available;
- 7 (h) Collaborate with the Office of Energy Policy to avoid duplication of efforts,
8 provide appropriate data and information, and support the implementation of
9 Kentucky's comprehensive energy strategy; and
- 10 (i) Carry out other activities to further the efficient and environmentally
11 responsible use of renewable energy.
- 12 (4) (a) There is hereby created a governing board of directors to provide policy
13 direction, establish a strategic research agenda and operating policies, and
14 provide financial and operational oversight for the Center for Renewable
15 Energy Research and Environmental Stewardship. The initial board shall be
16 appointed within sixty (60) days following July 15, 2008.
- 17 (b) The board shall consist of thirteen (13) members:
- 18 1. One (1) member to represent the Office of Energy Policy as designated
19 by its executive director;
- 20 2. Three (3) members representing postsecondary education interests who
21 shall be appointed by the Governor;
- 22 3. One (1) member to be designated by the governing body of the
23 Kentucky Science and Technology Corporation;
- 24 4. One (1) member from an energy conservation organization who shall be
25 appointed by the Governor;
- 26 5. The secretary of the Cabinet for Economic Development~~[-Cabinet]~~ or
27 the secretary's designee;

- 1 6. One (1) member who shall be a recognized consumer advocate to be
- 2 appointed by the Governor;
- 3 7. Three (3) members to represent companies that are focused on
- 4 renewable energy who shall be appointed by the Governor;
- 5 8. One (1) member who shall represent environmental interests to be
- 6 appointed by the Governor; and
- 7 9. One (1) member who shall be selected to represent local government
- 8 interests to be appointed by the Governor.

9 (c) The members appointed by the Governor shall serve two (2) year terms and
10 may be reappointed. The members representing specific agencies shall serve
11 for as long as the respective agencies determine appropriate.

12 (5) The board shall:

- 13 (a) Adopt operating procedures, including a meeting schedule;
- 14 (b) Meet at least quarterly;
- 15 (c) Select a chair and co-chair annually who may be reelected, not to exceed three
16 (3) consecutive terms;
- 17 (d) Establish working groups or subcommittees of the board as the board
18 determines is needed;
- 19 (e) Establish qualifications and job descriptions, set the compensation and
20 benefits, and employ staff as it determines necessary to carry out its
21 responsibilities under this section; and
- 22 (f) Provide an annual program and financial report to the Legislative Research
23 Commission within ninety (90) days of the close of each fiscal year.

24 ➔Section 45. KRS 154.12-203 is amended to read as follows:

- 25 (1) There is created the Kentucky Commission on Military Affairs. The commission
26 shall be a separate administrative body of state government within the meaning of
27 KRS Chapter 12.

- 1 (2) It shall be the purpose of the Kentucky Commission on Military Affairs to:
- 2 (a) Address matters of military significance to Kentucky;
- 3 (b) Maintain a cooperative and constructive relationship between state agencies
4 and the military entities in Kentucky, as necessary to ensure coordination and
5 implementation of unified, comprehensive, statewide strategies involved with,
6 or affected by, the military;
- 7 (c) Advise the Governor, the General Assembly, the Kentucky congressional
8 delegation, and other appropriate government officials on all matters in which
9 the military services and the Commonwealth have mutual interests, needs, and
10 concerns;
- 11 (d) Take action to promote and optimize state and Department of Defense
12 initiatives that will improve the military value of Kentucky's National Guard,
13 active, and reserve military force structure and installations, and improve the
14 quality of life for military personnel residing in the Commonwealth;
- 15 (e) Coordinate, as necessary, the state's interest in future Department of Defense
16 base closure and restructuring activities;
- 17 (f) Recommend state, federal, and local economic development projects which
18 would promote, foster, and support economic progress through military
19 presence in the Commonwealth;
- 20 (g) Promote and assist the private sector in developing spin-off investments,
21 employment, and educational opportunities associated with high-technology
22 programs and activities at Kentucky's military installations;
- 23 (h) Recommend to the Kentucky Economic Development Partnership the long-
24 range options and potential for the defense facilities located in Kentucky;
- 25 (i) Develop strategies to encourage military personnel to retire and relocate in
26 Kentucky and promote those leaving the military as a viable quality
27 workforce for economic development and industrial recruitment; and

- 1 (j) Allocate available grant money to qualified applicants to further the purposes
2 of paragraphs (a) to (i) of this subsection.
- 3 (3) The Kentucky Commission on Military Affairs shall consist of:
- 4 (a) The Governor or a designated representative;
- 5 (b) The secretary of the Cabinet for Economic Development or a designated
6 representative;
- 7 (c) The adjutant general of the Commonwealth or a designated representative;
- 8 (d) The executive director of the Office of Homeland Security or a designated
9 representative;
- 10 (e) The secretaries of the following cabinets or their designees:
- 11 1. Finance and Administration;
- 12 2. Justice and Public Safety;
- 13 3. Energy and Environment;
- 14 4. Transportation;
- 15 5. Health and Family Services;
- 16 6. Personnel;
- 17 7. Education and Labor;
- 18 8. Public Protection; and
- 19 9. Tourism, Arts and Heritage;
- 20 (f) The Attorney General or a designated representative;
- 21 (g) The commissioner of the Department of Veterans' Affairs or a designated
22 representative;
- 23 (h) The executive director of the Kentucky Commission on Military Affairs or a
24 designated representative;
- 25 (i) The chairperson of the Kentucky Committee for Employer Support of the
26 Guard and Reserve;
- 27 (j) Kentucky's Civilian Aides to the Secretary of the United States Army;

- 1 (k) The chairperson of the Senate Veterans, Military Affairs, and Public
2 Protection Committee and the chairperson of the House of Representatives
3 Veterans, Military Affairs, and Public Protection~~[Safety]~~ Committee;
- 4 (l) The Chief Justice or a designated representative;
- 5 (m) The commander or the designee of the commander of each of the following as
6 nonvoting, ex officio members:
- 7 1. U.S. Army Cadet Command;
 - 8 2. U.S. Army Human Resources Command;
 - 9 3. U.S. Army Recruiting Command;
 - 10 4. 84th Training Command;
 - 11 5. One Hundredth Division (Institutional Training);
 - 12 6. 101st Airborne Division;
 - 13 7. Blue Grass Army Depot;
 - 14 8. Fort Campbell Garrison;
 - 15 9. Fort Knox Garrison;
 - 16 10. 11th Theatre Aviation Command, U.S. Army Reserve;
 - 17 11. U.S. Army Corps of Engineers, Louisville District;
 - 18 12. Adjutant General of the U.S. Army;
 - 19 13. U.S. Coast Guard Sector Ohio Valley;
 - 20 14. First Army Division East;
 - 21 15. 1st Theater Sustainment Command; and
 - 22 16. Fifth (V) Corps; and
- 23 (n) Five (5) at-large members appointed by the Governor, who shall be residents
24 of counties significantly impacted by military installations.
- 25 (4) The terms of the five (5) at-large members shall be staggered so that two (2)
26 appointments shall expire at two (2) years, one (1) appointment shall expire at three
27 (3) years, and two (2) appointments shall expire at four (4) years, from the dates of

1 initial appointment.

2 (5) (a) The commission shall establish an executive committee consisting of the
3 secretary of the Cabinet for Economic Development, the adjutant general of
4 the Commonwealth, the commissioner of the Department of Veterans' Affairs,
5 the executive director of the Kentucky Commission on Military Affairs, and
6 the five (5) at-large members. The chair and vice chair of the Kentucky
7 Commission on Military Affairs shall be appointed by the Governor from
8 among the members of the executive committee.

9 (b) The chair and vice chair of the commission shall also serve as chair and vice
10 chair of the executive committee.

11 (c) The executive committee shall serve as the search committee for an executive
12 director of the commission and shall have any other authority the commission
13 delegates to it.

14 (6) The commission shall meet one (1) time each year, and may meet at other times on
15 call of the chair, to establish the commission's goals and to review issues identified
16 and recommendations made by the executive committee. A majority of the
17 members shall constitute a quorum for the transaction of the commission's business.
18 Members' designees shall have voting privileges at commission meetings.

19 (7) Members of the commission shall serve without compensation, but shall be
20 reimbursed for their necessary travel expenses actually incurred in the discharge of
21 their duties on the commission, subject to Finance and Administration Cabinet
22 administrative regulations.

23 (8) The commission may establish committees or work groups composed of
24 commission members and citizens as necessary to advise the commission in
25 carrying out its responsibilities, duties, and powers. Citizen members of committees
26 or work groups shall not have a vote.

27 (9) The commission may promulgate necessary administrative regulations as prescribed

1 by KRS Chapter 13A.

2 (10) The commission may adopt bylaws and operating policies necessary for its efficient
3 and effective operation.

4 (11) There shall be an executive director, who shall be the administrative head and chief
5 executive officer of the commission, recommended by the executive committee,
6 approved by the commission, and appointed by the Governor. The executive
7 director shall have authority to hire staff, contract for services, expend funds, and
8 operate the normal business activities of the commission.

9 (12) The Kentucky Commission on Military Affairs and its executive committee shall be
10 an independent agency attached to the Office of the Governor.

11 ➔Section 46. KRS 156.802 is amended to read as follows:

12 (1) The Office of Career and Technical Education is hereby created within the
13 Department of Education. The office shall consist of those administrative bodies
14 and employees provided by or appointed by the commissioner of education
15 pursuant to KRS 156.010.

16 (2) The commissioner of education may appoint an assistant, pursuant to KRS 156.010,
17 and delegate authority to the assistant regarding the Office of Career and Technical
18 Education.

19 (3) The Department of Education shall have the responsibility for all administrative
20 functions of the state in relation to the management, control, and operation of state-
21 operated secondary area vocational education and technology centers. When
22 appropriate, the Department of Education shall provide education training programs
23 through contracts with private business and industries. These programs may be on a
24 shared cost basis or on a total cost recovery basis.

25 (4) The commissioner of education shall have the authority to enter into agreements or
26 contracts with other government or education agencies, including local school
27 districts, in order to carry out services under the office's jurisdiction.

- 1 (5) (a) Secondary area vocational education and technology centers shall be operated
2 in compliance with program standards established by the Kentucky Board of
3 Education. Principals, counselors, and teaching staff shall meet the
4 qualifications and certification standards for all secondary vocational
5 personnel as established by the Education Professional Standards Board.
- 6 (b) The Kentucky Board of Education shall be the eligible agency solely
7 designated for the purpose of developing and approving state plans required
8 by state or federal laws and regulations as prerequisites to receiving federal
9 funds for vocational-technical or technology education. The Kentucky Board
10 of Education shall involve representatives from all eligible recipient
11 categories in the development of the required plans.
- 12 (c) In accordance with 20 U.S.C. sec. 2302(12), the Kentucky Board of Education
13 is hereby designated to be the "eligible agency" that is the sole state agency
14 responsible for the administration of vocational and technical education and
15 the supervision of the administration of vocational and technical education.
- 16 (6) (a) Except for the duties that the Kentucky Board of Education must retain
17 pursuant to 20 U.S.C. sec. 2341, the Kentucky Board of Education shall be
18 authorized to delegate all of the other duties and responsibilities of the eligible
19 agency to the Office of Career and Technical Education within the
20 Department of Education, including but not limited to the administration,
21 operation, and supervision of the Perkins program and the authority to
22 receive, hold, and disburse funds awarded under the state plan.
- 23 (b) The Kentucky Board of Education shall delegate to the Kentucky Workforce
24 Innovation~~Investment~~ Board the state leadership activities referred to in 20
25 U.S.C. sec. 2344 to be conducted in accordance with the required and
26 permissible uses of funds specified in the Carl D. Perkins Career and
27 Technical Education Act of 2006 and subsequent amendments thereto. The

1 maximum amount of funds allowed by 20 U.S.C. sec. 2322(a)(2) shall be
2 reserved and made available for state leadership activities.

3 (7) The commissioner of education shall be permitted to enter into memorandums of
4 agreement with individuals on a year-to-year basis to fill positions in hard-to-find
5 teaching specialties. The agreements and compensation for hard-to-find teaching
6 specialties shall be approved by the commissioner of education and shall not be
7 subject to the provisions of KRS Chapter 45A. All agreements shall be filed with
8 the secretary of the Finance and Administration Cabinet.

9 (8) The commissioner of education shall, from time to time, prepare or cause to be
10 prepared any bulletins, programs, outlines of courses, placards, and courses of study
11 deemed useful in the promotion of the interests of technical and vocational
12 education.

13 ➔Section 47. KRS 158.178 is amended to read as follows:

14 (1) It shall be the duty of the commissioner of education~~Superintendent of Public~~
15 ~~Instruction~~, provided sufficient funds are available as provided in subsection (3) of
16 this section, to ensure that a durable, permanent copy of the Ten Commandments
17 shall be displayed on a wall in each public elementary and secondary school
18 classroom in the Commonwealth. The copy shall be sixteen (16) inches wide by
19 twenty (20) inches high.

20 (2) In small print below the last commandment shall appear a notation concerning the
21 purpose of the display, as follows: "The secular application of the Ten
22 Commandments is clearly seen in its adoption as the fundamental legal code of
23 Western Civilization and the Common Law of the United States."

24 (3) The copies required by this section shall be purchased with funds made available
25 through voluntary contributions made to the State Treasurer for the purposes of this
26 section.

27 ➔Section 48. KRS 158.260 is amended to read as follows:

1 Moral instruction shall be given without expense to any board of education beyond the
2 cost of the original survey. ~~These courses or activities shall be supervised by certified~~
3 ~~school personnel and may include but are not limited to the following: study hall,~~
4 ~~computer instruction, music, art, library, physical education, and tutorial assistance.]~~

5 ➔Section 49. KRS 160.637 is amended to read as follows:

6 (1) "Requesting school districts" shall mean those school districts for which the
7 Department of Revenue is requested to act as tax collector under the authority of
8 KRS 160.627(2).

9 (2) Reasonable expenses not to exceed the actual costs of collection incurred by any tax
10 collector, except the Department of Revenue, for the administration or collection of
11 the school taxes authorized by KRS 160.605 to 160.611, 160.613 to 160.617, and
12 160.621 to 160.633 shall be reimbursed by the school district boards of education
13 on a monthly basis or on the basis agreed upon by the boards of education and the
14 tax collector. The expenses shall be borne by the school districts on a basis
15 proportionate to the revenue received by the districts.

16 (3) The following shall apply only when the Department of Revenue is acting as tax
17 collector under the authority of KRS 160.627(2):

18 (a) When the department is initially requested to be the tax collector under KRS
19 160.627(2), the department shall estimate the costs of implementing the
20 administration of the tax so requested, and shall inform the requesting school
21 district of this estimated cost. The requesting school district shall pay to the
22 department ten percent (10%) of this estimated cost referred to as "start-up
23 costs" within thirty (30) days of notification by the department. Subsequent
24 requesting school districts shall pay their pro rata share, or ten percent (10%),
25 whichever is less, of the unpaid balance of the initial "start-up costs" until the
26 department has fully recovered the costs. The payment shall be made within
27 thirty (30) days of notification by the department.

- 1 (b) The Department of Revenue shall also be reimbursed by each school district
2 for its proportionate share of the actual operational expenses incurred by the
3 department in collecting the excise tax. The expenses, which shall be
4 deducted by the Department of Revenue from payments to school districts
5 made under the provisions of KRS 160.627(2), shall be allocated by the
6 department to school districts on a basis proportionate to the number of
7 returns processed by the Department of Revenue for each district compared to
8 the total processed by the Department of Revenue for all districts.
- 9 (c) All funds received by the department under the authority of paragraphs (a)
10 and (b) of this subsection shall be deposited into an account entitled the
11 "school tax fund account," an account created within the restricted fund group
12 set forth in KRS 45.305. The use of these funds shall be restricted to paying
13 the department for the costs described in paragraphs (a) and (b) of this
14 subsection. This account shall not lapse.
- 15 (d) The department may retain a portion of the school tax revenues collected in a
16 special account entitled the "school tax refund account" which is an account
17 created within the restricted fund group set forth in KRS 45.305. The sole
18 purpose of this account shall be to authorize the Department of Revenue to
19 refund school taxes. This account shall not lapse. Refunds shall be made in
20 accordance with the provisions in KRS 134.580(6), and when the taxpayer has
21 made an overpayment or a payment where no tax was due as defined in KRS
22 134.580(7), within four (4) years of payment.
- 23 (e) KRS 160.621 notwithstanding, when the department is acting as tax collector
24 under the authority of KRS 160.627(2), the requesting school district may
25 enact the tax enumerated in KRS 160.621 only at the following rates: five
26 percent (5%), ten percent (10%), fifteen percent (15%), and twenty percent
27 (20%) on a school district resident's state individual income tax liability as

1 computed under KRS Chapter 141.

2 (f) Beginning August 1, 1982, any school district which requests the department
3 to collect taxes under the authority of KRS 160.627(2) shall inform the
4 department of this request not less than one hundred fifty (150) days prior to
5 January 1.

6 (g) The department shall not be required to collect taxes authorized in KRS
7 160.621 of an individual when the department is not pursuing collection of
8 that individual's state income taxes. The department shall not be required to
9 collect or defend the tax set forth in KRS 160.621 in any board or court of this
10 state.

11 (h) Any overpayments of the tax set forth in KRS 141.020 or payments made
12 when no tax was due may be applied to any tax liability arising under KRS
13 160.621 before a refund is authorized to the taxpayer. No individual's tax
14 payment shall be credited to the tax set forth in KRS 160.621 until all
15 outstanding state income tax liabilities of that individual have been paid.

16 (i) KRS 160.510 notwithstanding, the ~~{State}~~Auditor ***of Public Accounts*** shall
17 be the only party authorized to audit the Department of Revenue with respect
18 to the performance of its duties under KRS 160.621.

19 ➔Section 50. KRS 164.026 is amended to read as follows:

20 (1) The General Assembly recognizes the continuing need for education and research
21 in Kentucky, and that the need is larger than the capacity of the facilities of the state
22 universities to supply. The General Assembly finds that the University of Louisville
23 helps to supply, for the entire state, the need, and declares that support of the
24 University of Louisville is a public purpose for which public money may be validly
25 expended.

26 (2) The University of Louisville shall keep its books and records available to the ~~{State}~~
27 }Auditor ***of Public Accounts***. An audit of expenditure of public money by the

1 university is subject to the laws generally governing audits of expenditures of
2 public money.

3 ➔Section 51. KRS 164.043 is amended to read as follows:

4 (1) There is hereby created in the State Treasury a cancer research matching fund
5 designated as the "cancer research institutions matching fund." The fund shall be
6 administered by the Council ~~on~~for Postsecondary Education. For tax periods
7 beginning on or after June 1, 2005, the one-cent (\$0.01) surtax collected under KRS
8 138.140(1)(c) shall be deposited in the fund and shall be made available for
9 matching purposes to the following universities for cancer research:

10 (a) One-half (1/2) of the moneys deposited in the fund shall be made available to
11 the University of Kentucky; and

12 (b) One-half (1/2) of the moneys deposited in the fund shall be made available to
13 the University of Louisville.

14 (2) All interest earned on moneys in the fund shall be credited to the fund.

15 (3) Any moneys remaining in the fund at the end of the fiscal year shall lapse to the
16 general fund.

17 (4) To receive the funds, the universities shall provide dollar-for-dollar matching funds.
18 The matching funds shall come from external sources to be eligible for the state
19 match. External source contributions are those that originate outside the university
20 and its affiliated corporations. The matching funds shall be newly generated to be
21 eligible for state match. Newly generated contributions are those received by the
22 university after April 1, 2005.

23 (5) Moneys transferred to the fund pursuant to subsection (1) of this section are hereby
24 appropriated for purposes set forth in this section.

25 (6) The following funds are not eligible for state match:

26 (a) Funds received from federal, state, and local government sources; and

27 (b) General fund and student-derived revenues.

1 ➔Section 52. KRS 164.7884 is amended to read as follows:

2 (1) As used in this section:

3 (a) "Academic year" means July 1 through June 30 of each year;

4 (b) "Apprentice" has the same meaning as in KRS 343.010;

5 (c) "Eligible student" means an eligible high school student who has graduated
6 from high school or a student eligible under KRS 164.7879(3)(e);

7 (d) "Qualified workforce training program" means a program that is in one (1) of
8 Kentucky's top five (5) high-demand work sectors as determined by the
9 Kentucky Workforce Innovation Board;

10 (e) "Registered apprenticeship program" means an apprenticeship program that:

11 1. Is established in accordance with the requirements of KRS Chapter 343;

12 2. Requires a minimum of two thousand (2,000) hours of on-the-job work
13 experience;

14 3. Requires a minimum of one hundred forty-four (144) hours of related
15 instruction for each year of the apprenticeship; and

16 4. Is approved by the Education and Labor Cabinet;

17 (f) "Related instruction" has the same meaning as in KRS 343.010; and

18 (g) "Sponsor" has the same meaning as in KRS 343.010.

19 (2) Notwithstanding KRS 164.7881, an eligible student who earned a KEES award
20 shall be eligible for a Kentucky educational excellence scholarship if the student
21 meets the requirements of this section and is:

22 (a) An apprentice in a registered apprenticeship program; or

23 (b) Enrolled in a qualified workforce training program that has a current
24 articulation agreement for postsecondary credit hours with a participating
25 institution.

26 (3) (a) Beginning with the 2018-2019 academic year, an eligible student enrolled in a
27 registered apprenticeship program or, for the academic year beginning July 1,

1 2020, an eligible student enrolled in a qualified workforce training program
2 may receive reimbursement of tuition, books, required tools, and other
3 approved expenses required for participation in the program, upon
4 certification by the sponsor and approval by the authority.

5 (b) The reimbursement amount an eligible student may receive in an academic
6 year shall not exceed the student's KEES award maximum.

7 (c) The total reimbursement amount an eligible student may receive under this
8 section shall not exceed the student's KEES award maximum multiplied by
9 four (4).

10 (4) Eligibility for a KEES scholarship under this section shall terminate upon the earlier
11 of:

12 (a) The expiration of five (5) years following the eligible student's graduation
13 from high school or receiving a High School Equivalency Diploma, except as
14 provided in KRS 164.7881(5); or

15 (b) The eligible student's successful completion of the registered apprenticeship
16 program or qualified workforce training program.

17 (5) The authority shall promulgate administrative regulations establishing the
18 procedures for making awards under this section in consultation with the Kentucky
19 Education and Labor Cabinet and the Kentucky Cabinet for Economic
20 Development~~[-Cabinet]~~.

21 ➔Section 53. KRS 164.929 is amended to read as follows:

22 (1) All new residency positions shall be sponsored by the University of Kentucky or
23 the University of Louisville. The residency positions created by KRS 164.927 shall
24 be served in sites approved by the appropriate specialty board for certification and
25 by the Council on Postsecondary Education.

26 (2) Funding priority shall be given to programs in which all or a portion of the
27 residency occurs in sites away from both the University of Kentucky and the

1 University of Louisville.

2 (3) Each individual serving a residency under KRS 164.927 shall, within the total
3 period of residency, undertake a minimum of three (3) months education in a
4 community facility in Kentucky outside the counties of Fayette and Jefferson, or in
5 any institution serving a medically underserved community as designated by the
6 United States Department of Health and Human Services~~[, Education and~~
7 ~~Welfare]~~, subject to the approval of the certifying board in each specialty, provided
8 however that not more than twenty-five percent (25%) of the individuals from each
9 university funded under this section shall be permitted to satisfy the three (3) month
10 requirement in a medically underserved area in the counties of Fayette and
11 Jefferson.

12 (4) The University of Kentucky and the University of Louisville shall recommend
13 policies and procedures for determining the allocation of new residency positions
14 for approval by the Council on Postsecondary Education using the following
15 criteria:

16 (a) The available or expected number and types of qualified faculty necessary for
17 the proper degree of supervision and teaching;

18 (b) The scope and volume of patient care;

19 (c) The amount of available physical facilities;

20 (d) The current number and types of residency positions offered at each
21 university;

22 (e) Regional needs for the manpower trained under the provisions of KRS
23 164.927 to 164.933;

24 (f) The extent of involvement in education in primary care in ambulatory care
25 settings; and

26 (g) Any other criteria which may be developed by the University of Kentucky and
27 the University of Louisville and accepted by the Council on Postsecondary

1 Education.

2 ➔Section 54. KRS 165A.340 is amended to read as follows:

- 3 (1) The Kentucky Commission on Proprietary Education is hereby created as an
4 independent agency of the Commonwealth and shall be attached to the Education
5 and Labor Cabinet for administrative purposes. The commission shall be composed
6 of the following members:
- 7 (a) Two (2) members who are representative of privately owned postsecondary
8 educational institutions licensed by the commission and appointed by the
9 Governor from a list of seven (7) names submitted by the Kentucky
10 Association of Career Colleges and Schools;
 - 11 (b) Two (2) members who are representative of privately owned postsecondary
12 technical schools licensed by the commission and appointed by the Governor
13 from a list of seven (7) names submitted by the Kentucky Association of
14 Career Colleges and Schools;
 - 15 (c) Four (4) members who are representative of the public at large with a
16 background in education, business, or industry in Kentucky and appointed by
17 the Governor;
 - 18 (d) The secretary of the Education and Labor Cabinet, or the secretary's designee;
 - 19 (e) The president of the Council on Postsecondary Education, or the president's
20 designee; and
 - 21 (f) The commissioner of education, or the commissioner's designee.
- 22 (2) Terms of appointed members shall be four (4) years or until successors are duly
23 appointed and qualified. A vacancy on the commission shall be filled for the
24 remainder of the unexpired term in the same manner as the original appointment.
25 An appointed member shall not serve more than two (2) consecutive full terms,
26 except that a member may be reappointed after a break in service of one (1) full
27 term.

- 1 (3) The commission shall employ and fix the compensation of an executive director,
2 who shall be its secretary and principal executive officer. The executive director
3 shall have a background in the regulation of commerce, business, or education, and
4 shall be responsible for:
- 5 (a) Organizing and staffing meetings of the commission;
 - 6 (b) Establishing policies to ensure retention of original licensing documentation;
 - 7 (c) Ensuring that minutes and other financial, procedural, complaint, and
8 operational records are securely maintained and archived;
 - 9 (d) Internal and external correspondence and communication;
 - 10 (e) Submitting reports and strategic agenda items for review and approval;
 - 11 (f) Assisting the commission in the promulgation of administrative regulations;
 - 12 (g) Carrying out policy and program directives of the commission;
 - 13 (h) Preparing budget submissions;
 - 14 (i) Ensuring that formal complaints are provided to the complaint committee and
15 arranging for independent investigations as needed;
 - 16 (j) Ensuring that an independent audit of the commission's finances is conducted
17 biennially;
 - 18 (k) Ensuring that formal written agreements are executed for the procurement of
19 administrative and legal services;
 - 20 (l) Formalizing office policies and procedures relating to licensing and financial
21 operations;
 - 22 (m) Developing and implementing a process for monitoring expenditures and
23 reconciling on a monthly basis commission and student protection fund
24 receipts reported in the Enhanced Management Administrative Reporting
25 System (EMARS); and
 - 26 (n) Other activities necessary to ensure that the commission meets its designated
27 duties and responsibilities.

- 1 (4) The commission shall have full authority to employ and fix the compensation for
2 any personnel, including counsel, as it may deem necessary to effectively
3 administer and enforce the provisions of this chapter. The commission shall obtain
4 office space, furniture, stationery, and any other proper supplies and conveniences
5 reasonably necessary to carry out the provisions of this chapter.
- 6 (5) The commission shall annually elect a chairperson. The chairperson shall not be a
7 school representative appointed pursuant to subsection (1)(a) or (b) of this section.
- 8 (6) (a) The commission shall promulgate administrative regulations in accordance
9 with KRS Chapter 13A to establish:
- 10 1. Commission operating and accountability procedures;
 - 11 2. Requirements for each licensed institution to publicly disclose according
12 to standardized protocols, both in print and web-based~~[Web-based]~~
13 materials, information about:
 - 14 a. Any information that the schools are required to report by the
15 federal Higher Education Opportunity Act, Pub. L. No. 110-315,
16 using the Integrated Postsecondary Education Data System
17 (IPEDS) of the National Center for Educational Statistics as a
18 condition of participating in Title IV federal financial aid
19 programs;
 - 20 b. The job placement rate of program graduates in the field of study
21 and the types of jobs for which graduates are eligible;
 - 22 c. Articulation agreements with other postsecondary educational
23 institutions and the rights and responsibilities of students regarding
24 transfer of credits;
 - 25 d. The complaint procedures available to students; and
 - 26 e. The existence of the student protection fund created in KRS
27 165A.450, and procedures for students to file a claim, including

1 but not limited to the documentation required for submission of a
2 claim;

- 3 3. Quality standards and compliance monitoring schedules of traditional
4 programs, correspondence courses, and web-based~~[Web-based,]~~
5 distance learning courses offered over the Internet;
- 6 4. Advertising requirements for schools issued a license, including no
7 distribution of materials containing untrue, deceptive, or misleading
8 statements and no representation that the commission is an accrediting
9 agency for the school or its programs;
- 10 5. A schedule for reviewing advertisements and recruitment materials and
11 practices of member institutions to ensure compliance with this chapter;
- 12 6. An equitable structure of licensure and renewal fees, to be paid by
13 licensed schools, necessary to carry out the provisions and purposes of
14 this chapter and to support adequate staffing of commission
15 responsibilities. The fee structure shall be based on the gross revenue of
16 licensed schools, number of students enrolled, and whether the school is
17 located within the state or outside the state; and
- 18 7. The method for calculating placement rates that are to be disclosed
19 pursuant to this subsection.

20 (b) The commission shall have the authority to promulgate other administrative
21 regulations, in cooperation with the Kentucky Department of Education and
22 the Council on Postsecondary Education, as it deems necessary for the proper
23 administration of this chapter.

24 (7) The commission shall hold meetings at least four (4) times a year and as frequently
25 as it deems necessary at the times and places within this state as the commission
26 may designate. The majority of the members shall constitute a quorum, and all
27 meetings shall be conducted in accordance with the Open Meetings Act, KRS

- 1 61.805 to 61.850.
- 2 (8) The commission may sue and be sued in its own name.
- 3 (9) Commission members shall receive a per diem of one hundred dollars (\$100) for
4 attendance at each commission meeting and may be reimbursed for ordinary travel
5 and other expenses while engaged in the business of the commission.
- 6 (10) The commission shall administer and enforce the provisions of this chapter
7 pertaining to the conduct, operation, maintenance, and establishment of proprietary
8 education institutions, and the activities of agents thereof when acting as such.
- 9 (11) The commission shall have the power to subpoena witnesses and school records as
10 it deems necessary.
- 11 (12) The commission chairperson shall appoint a complaint committee and designate its
12 chairperson. The chairperson of the complaint committee shall not be employed by,
13 have ownership interest in, or be otherwise affiliated with a licensed institution.
14 School representatives appointed pursuant to subsection (1)(a) or (b) of this section
15 shall not constitute a majority of the committee's membership. A committee
16 member shall not vote on a matter in which a conflict of interest exists. The
17 committee shall review each formal complaint and, if evidence supports an alleged
18 violation of this chapter or any administrative regulation promulgated thereunder,
19 the committee shall:
- 20 (a) Authorize an investigative report;
- 21 (b) Participate in informal procedures to resolve complaints;
- 22 (c) Ensure timely correspondence to parties involved in complaints; and
- 23 (d) After review of all evidence and investigative reports, make recommendations
24 for the disposition of complaints to the full commission.
- 25 (13) No later than November 30, 2013, and annually thereafter, the commission shall
26 provide a status report on the requirements of this section to the Interim Joint
27 Committee on Licensing, ~~and~~ Occupations, **and Administrative Regulations** and

1 the Interim Joint Committee on Education. The report shall include a summary of
2 the data, including school performance information, relating to the requirements of
3 subsection (6)(a) of this section.

4 ➔Section 55. KRS 171.730 is amended to read as follows:

5 Nothing in KRS 171.410 to 171.740 shall be construed as limiting the authority of the
6 ~~State~~ Auditor of Public Accounts~~[-]~~ or other officers charged with prescribing
7 accounting systems, forms, or procedures or of lessening the responsibility of collecting
8 and disbursing officers for rendering of their accounts for settlement. Nothing in KRS
9 171.410 to 171.740 shall be construed as changing, modifying or affecting the present
10 law or laws concerning confidential records of any state agency and the use thereof. All
11 such laws remain in full force and effect.

12 ➔Section 56. KRS 174.450 is amended to read as follows:

13 (1) As used in this section, "municipal solid waste transportation vehicle" means any
14 truck, automobile, tractor, or other self-propelled vehicle not operated or driven on
15 fixed rails or track used in the transportation of municipal solid waste; but does not
16 include a vehicle used to transport municipal solid waste from a residence if the
17 vehicle is owned or leased by an individual who lives in the residence, or a vehicle
18 that is ten thousand (10,000) pounds or less.

19 (2) This section shall not apply to a vehicle used exclusively on private roads or to
20 transport municipal solid waste within the boundaries of or to real property owned
21 or leased by the generator of the municipal solid waste.

22 (3) This section shall apply to both publicly and privately-owned municipal solid waste
23 transportation vehicles.

24 (4) No person shall operate a municipal solid waste transportation vehicle within the
25 Commonwealth without first having obtained a license from the Transportation
26 Cabinet to operate a municipal solid waste transportation vehicle pursuant to
27 regulations promulgated by the cabinet.

- 1 (5) No person shall cause municipal solid waste to be transported by a municipal solid
2 waste transportation vehicle which has not been licensed by the cabinet as required
3 by this section.
- 4 (6) The cabinet shall establish a municipal solid waste transportation vehicle licensing
5 program. No more than one (1) license shall be required for any single business
6 entity. An applicant shall file an application with the cabinet containing such
7 information in such form as the cabinet requires, to include:
- 8 (a) Name, home address, and Social Security number of a natural person who is
9 the applicant or an officer of the applicant;
- 10 (b) Name and address of the principal place of business of the applicant;
- 11 (c) Vehicle identification number of each vehicle; licensing jurisdiction and
12 registration number of each vehicle; type and gross weight rating or
13 combination weight rating of each vehicle to be operated under the license;
- 14 (d) A consent-to-service jurisdiction document executed in accordance with KRS
15 Chapter 224; and
- 16 (e) The applicant's Kentucky highway use tax identification number required by
17 KRS 138.665 or proof that the applicant is not under the purview of KRS
18 138.665, and either the applicant's *Federal Motor Carrier Safety*
19 *Administration motor carrier*~~Interstate Commerce Commission~~
20 ~~identification~~ number or United States Department of Transportation
21 identification number.
- 22 (7) A copy of the municipal solid waste transportation license, which is specific to each
23 individual vehicle operated by the licensee, issued by the cabinet under this section:
- 24 (a) Shall be carried at all times on any municipal solid waste transportation
25 vehicle operating under the license; and
- 26 (b) Is valid for a period specified by the cabinet not to exceed three (3) years from
27 the date of issuance.

1 (8) Each application for a license to operate a municipal solid waste transportation
2 vehicle or vehicles shall be submitted with a registration fee equal to the product of
3 ten dollars (\$10) per year multiplied by the number of municipal solid waste
4 transportation vehicles to be operated in the Commonwealth by the applicant. A
5 license shall be amended annually if the number of municipal solid waste
6 transportation vehicles operated by the applicant increases. The cabinet may
7 promulgate by regulation a schedule for the annual amendment of municipal solid
8 waste transportation licenses to add vehicles covered. Additional vehicles acquired
9 or leased by the licensee after the beginning of the licensing year established by the
10 Transportation Cabinet may be operated under an existing license, without
11 amendment, until the annual amendment date specified by the cabinet. However,
12 the licensee shall obtain a vehicle specific copy of the license from the
13 Transportation Cabinet prior to using the vehicle in Kentucky to transport
14 municipal solid waste. The registration fee for additional vehicles shall be prorated
15 according to the amount of time remaining in the license period as of the
16 amendment date.

17 (9) The cabinet shall promulgate regulations to implement this section within one
18 hundred eighty (180) days after February 26, 1991. The regulations shall include a
19 procedure to allow the licensing of a vehicle in an emergency and shall require the
20 cabinet to issue licenses and vehicle tags within thirty (30) days of receipt of an
21 application. No municipal solid waste transportation vehicle shall be required to
22 obtain a license until at least ninety (90) days after the effective date of regulations
23 promulgated by the cabinet.

24 (10) Within ninety (90) days after February 26, 1991, all municipal solid waste
25 transportation vehicles shall display a placard which indicates that the vehicle is
26 transporting municipal solid waste. A vehicle shall be in compliance with this
27 subsection (10) if the placard has the words "SOLID WASTE" clearly printed in

1 English and is clearly displayed or printed on the cab, container, or rear of the
2 vehicle.

3 (11) This section shall not apply to a vehicle, or its operator, owned and used by a
4 generator hauling waste generated by the generator to a municipal solid waste
5 disposal facility or to a vehicle or person operating the vehicle which is hauling
6 waste of a waste generator disposing of waste in its own solid waste facility.

7 (12) The registration fees generated by this section shall be placed in a trust and agency
8 account and used exclusively by the Transportation Cabinet for the administration
9 and enforcement of this section.

10 ➔Section 57. KRS 175B.015 is amended to read as follows:

11 (1) The Kentucky Public Transportation Infrastructure Authority is hereby established
12 as an independent de jure municipal corporation and political subdivision of the
13 Commonwealth constituting a governmental agency and instrumentality of the
14 Commonwealth. The General Assembly hereby finds and declares that in carrying
15 out its functions, powers, and duties as prescribed in this chapter, the state authority
16 will be performing essential public and government functions that improve the
17 public welfare and prosperity of the people of the Commonwealth by promoting the
18 availability of and enhancing accessibility to improved transportation services
19 within the Commonwealth.

20 (2) (a) The state authority shall be composed of the following eleven (11) voting
21 members:

22 1. The secretary of the Finance and Administration Cabinet, or the
23 secretary's designee;

24 2. The secretary of the Transportation Cabinet;

25 3. A representative of the Kentucky Association of Counties, to be
26 appointed by the Governor;

27 4. A representative of the Kentucky County

- 1 Judge/Executive~~[Judges/Executive]~~ Association, to be appointed by the
2 Governor;
- 3 5. A representative of the Kentucky League of Cities, to be appointed by
4 the Governor; and
- 5 6. Six (6) citizen members to be appointed by the Governor and confirmed
6 by the Senate in accordance with KRS 11.160, at least two (2) of whom
7 shall be familiar with road and bridge design or the financing and
8 administration of transportation infrastructure projects; and
- 9 (b) Each Kentucky member who shares duties as a presiding officer of a bi-state
10 authority pursuant to KRS 175B.030(4)(a)3. shall serve as a nonvoting ex
11 officio member.
- 12 (3) The ex officio members shall serve for the term of their respective offices.
- 13 (4) Members appointed pursuant to subsection (2)(a)3. to 6. of this section shall begin
14 their terms on October 1, 2009, and shall be appointed for a term of four (4) years;
15 however, in making initial appointments, the members appointed pursuant to
16 subsection (2)(a)6. of this section shall include two (2) members for a term of two
17 (2) years, two (2) members for a term of three (3) years, and two (2) members for a
18 term of four (4) years.
- 19 (5) Vacancies occurring during the term of any member shall be filled in the same
20 manner as the original appointment.
- 21 (6) The members of the state authority shall receive no compensation for their services,
22 but shall be entitled to reimbursement for all reasonable expenses necessary and
23 incidental to the performance of their duties and functions as members of the state
24 authority.
- 25 (7) (a) Members of the state authority shall be considered public servants subject to
26 KRS Chapter 11A.
- 27 (b) The following individuals or entities shall be prohibited from entering into

1 any contract or agreement with the state authority:

2 1. Any member of the state authority, a project authority, or a bi-state
3 authority;

4 2. Any spouse, child, stepchild, parent, stepparent, or sibling of a member
5 of the state authority, a project authority, or a bi-state authority; and

6 3. Any corporation, limited liability entity, or other business entity of
7 which a person identified in subparagraph 1. or 2. of this paragraph is an
8 owner, member, or partner or has any other ownership interest.

9 (8) (a) The chairman of the state authority shall be the secretary of the Transportation
10 Cabinet.

11 (b) The members of the state authority shall elect a vice chairman and a secretary
12 from the membership.

13 (9) The Finance and Administration Cabinet shall provide fiscal consultant services to
14 the state authority.

15 (10) The state authority shall hold its initial meeting no later than November 1, 2009,
16 and shall meet as needed thereafter, with adequate notice at the call of the chair. A
17 quorum of at least fifty percent (50%) of the members of the state authority must be
18 present for the state authority to take any action. At least eight (8) members shall
19 vote in the affirmative for the state authority to approve a new project. All other
20 business shall be approved by a majority vote of the members present.

21 (11) (a) The state authority shall be attached for administrative purposes to the
22 Transportation Cabinet. The state authority shall establish and maintain an
23 office, and the secretary of the state authority shall maintain complete records
24 of the state authority's actions and proceedings as public records open to
25 inspection.

26 (b) The state authority shall employ staff as needed in the conduct of its duties
27 and functions, and shall fix their compensation.

- 1 (12) The state authority may promulgate administrative regulations in accordance with
2 KRS Chapter 13A as needed:
- 3 (a) Establishing collection and enforcement procedures, including fines, charges,
4 assessments, and other enforcement mechanisms, for the violation of KRS
5 175B.040(4), and for violation of any administrative regulation promulgated
6 under this subsection;
- 7 (b) Establishing an appeals process by which a person may contest a violation of
8 KRS 175B.040(4), or a violation of any administrative regulation
9 promulgated under this subsection, by way of an administrative hearing to be
10 conducted in accordance with KRS Chapter 13B;
- 11 (c) Relating to any matters necessary to the efficient administration of tolls when
12 implemented for a project developed under this chapter; and
- 13 (d) To fulfill any other requirements of this chapter.
- 14 (13) The state authority shall comply with applicable provisions of KRS Chapter 45A in
15 the development of a project and the procurement of goods and services.
- 16 (14) The records of the state authority shall be considered open records pursuant to KRS
17 61.870 to 61.884.
- 18 (15) The meetings of the state authority shall be considered open meetings pursuant to
19 KRS 61.805 to 61.850.
- 20 ➔Section 58. KRS 189.011 is amended to read as follows:
- 21 (1) As used in this chapter, the following words and phrases shall have the meanings
22 respectively ascribed to them:
- 23 (a) "Authorized emergency vehicle" shall mean any vehicle designated as such by
24 KRS 189.910.
- 25 (b) "Wrecker" shall mean a motor vehicle on which a wrecking crane and other
26 equipment suitable for motor vehicle wrecker service has been permanently
27 mounted.

1 (2) Provided, however, that the regulations in reference to lights shall not apply to
2 common carrier motor vehicles whose equipment is regulated by the rules of the
3 **Federal Motor Carrier Safety Administration**~~[Interstate Commerce Commission]~~.

4 (3) As used in this chapter, a driver's license shall mean an operator's license issued
5 pursuant to KRS 186.4102, 186.412, and 186.4121 and a commercial driver's
6 license means a license issued pursuant to KRS Chapter 281A.

7 ➔Section 59. KRS 189.120 is amended to read as follows:

8 (1) No person shall sell any new motor vehicle in this state nor shall any new motor
9 vehicle be registered in this state unless the vehicle is equipped with safety glass
10 wherever glass is used in the windshield, doors or windows.

11 (2) As used in this section, "safety glass" means any product composed of glass, so
12 manufactured, fabricated, or treated as substantially to prevent shattering and flying
13 of the glass when struck or broken, or such other or similar product as may be
14 approved by the Department of Vehicle Regulation.

15 (3) The Department of Vehicle Regulation shall compile and publish a list of types of
16 glass by name approved by the department as meeting the requirements of this
17 section, and shall cause a copy of the list to be furnished to each county clerk. No
18 motor vehicle which is subject to the provisions of this section shall be registered
19 unless it is equipped with an approved type of safety glass as required by this
20 section, and the Department of Vehicle Regulation may prescribe and enforce such
21 regulations as are necessary to effectuate this section. If the rules of the **Federal**
22 **Motor Carrier Safety Administration**~~[Interstate Commerce Commission]~~ differ the
23 common carriers may elect to apply the rules of the **Federal Motor Carrier Safety**
24 **Administration**~~[Interstate Commerce Commission]~~.

25 ➔Section 60. KRS 189.205 is amended to read as follows:

26 (1) No person shall knowingly operate on any highway any vehicle on which any tire
27 has been regrooved or recut or offer such tire for sale or exchange.

1 (2) This section shall not apply to regrooved or recut vehicle tires which are designed
2 and constructed in such a manner that regrooving and recutting is an acceptable and
3 safe practice nor does this subsection apply to regrooving and recutting done in a
4 tire recapping process.

5 (3) No provision of this section shall apply or be construed to apply to any commercial
6 vehicle operated under safety regulations or requirements of the Kentucky
7 Department of Vehicle Regulation or of the *Federal Motor Carrier Safety*
8 *Administration*~~[interstate commerce commission]~~.

9 ➔Section 61. KRS 194A.564 is amended to read as follows:

10 The cabinet secretary shall designate a study group composed of personnel within the
11 Department for Community Based Services' field services staff and any other persons
12 deemed necessary to make recommendations regarding personnel classifications for state
13 agency social workers. The study group shall include in its deliberations, but is not
14 limited to, special personnel designations that would permit or require specialized
15 personal safety training and other requirements that reflect the sometimes dangerous
16 nature of official job duties of state agency social workers. The study group shall report
17 its recommendations by November 15, 2007, to the Governor and the Interim Joint
18 Committees on Appropriations and Revenue and Health,~~[and]~~ Welfare, *and Family*
19 *Services*.

20 ➔Section 62. KRS 198A.035 is amended to read as follows:

21 (1) The Kentucky Housing Corporation shall oversee the development and
22 implementation of the Kentucky housing policy. The corporation shall create an
23 advisory committee on housing policy consisting of the following:

24 (a) The following nine (9) state government members, or their duly appointed
25 designees: the commissioner of education; commissioner of the Department
26 for Local Government; commissioner of the Department of Housing,
27 Buildings and Construction; secretary of the Energy and Environment

1 Cabinet; secretary of the Cabinet for Health and Family Services; executive
2 director of the Kentucky Commission on Human Rights~~[-Commission]~~; state
3 historic preservation officer; secretary of the Transportation Cabinet; and
4 executive director of the Kentucky Housing Corporation;

5 (b) At-large members shall be appointed by the chairman of the board of directors
6 of the Kentucky Housing Corporation. There shall be one (1) at-large
7 representative for each of the following:

- 8 1. Public housing authorities;
- 9 2. Mortgage banking industry;
- 10 3. Manufactured housing industry;
- 11 4. Realtors;
- 12 5. Homebuilders;
- 13 6. Urban nonprofit housing organizations;
- 14 7. Rural nonprofit housing organizations;
- 15 8. Urban advocates for the homeless;
- 16 9. Rural advocates for the homeless;
- 17 10. Residents of economically diverse urban neighborhoods;
- 18 11. Residents of economically diverse rural neighborhoods;
- 19 12. Rental property providers;
- 20 13. Advocates for persons with physical disabilities;
- 21 14. Advocates for persons with mental disabilities;
- 22 15. The Kentucky State Building Trades Council;
- 23 16. The Kentucky League of Cities; and
- 24 17. The Kentucky Association of Counties; and

25 (c) One (1) member of the Senate and one (1) member of the House of
26 Representatives.

27 (2) State government members and General Assembly members shall serve on the

1 advisory committee during the term of their elected or appointed state government
2 positions. Members appointed as provided by subsection (1)(b) of this section shall
3 be appointed for four (4) year terms, except that initially five (5) shall be appointed
4 for two (2) year terms, six (6) shall be appointed for three (3) year terms, and six (6)
5 shall be appointed for four (4) year terms.

6 (3) The advisory committee shall meet at least quarterly and hold additional meetings
7 as necessary. Eleven (11) members of the committee shall constitute a quorum for
8 the purposes of conducting business and exercising its powers for all purposes.

9 (4) Any vacancy shall be filled as provided by the requirements and procedures for the
10 initial appointment and only for the remainder of the term of the initial
11 appointment.

12 (5) Any at-large member may be removed at any time, with or without cause, by
13 resolution of a majority of the board of directors of the corporation.

14 (6) The advisory committee shall consult with and advise the officers and directors of
15 the corporation concerning matters relating to the Kentucky housing policy.

16 (7) The corporation shall annually report its findings and recommendations regarding
17 the Kentucky housing policy to the Governor and the Interim Joint Committee on
18 Local Government of the Legislative Research Commission.

19 (8) The advisory committee shall elect a presiding officer from among its members and
20 may establish its own rules of procedure which shall not be inconsistent with the
21 provisions of this chapter.

22 (9) Members of the advisory committee shall serve without compensation. Members
23 who are not employees of the Commonwealth shall be entitled to reimbursement for
24 actual expenses incurred in carrying out their duties on the committee.

25 (10) The Kentucky Housing Corporation shall provide the staff and funding for the
26 administrative activities of the advisory committee. The Kentucky Housing
27 Corporation shall perform all budgeting, procurement, and other administrative

1 activities necessary to the functioning of the advisory committee. The advisory
2 committee may authorize studies as it deems necessary and utilize Kentucky
3 Housing Corporation funds and other available resources from the public or private
4 sector to provide housing needs data.

5 ➔Section 63. KRS 199.892 is amended to read as follows:

6 In enacting legislation relating to the regulation of child-care~~[day-care]~~ centers, it is the
7 intention of the General Assembly to enable the Cabinet for Health and Family Services
8 to qualify to receive federal funds under provisions of the Federal Social Security Act and
9 to provide for effective regulation of child-care~~[day-care]~~ centers.

10 ➔Section 64. KRS 199.8943 is amended to read as follows:

11 (1) As used in this section:

12 (a) "Federally funded time-limited employee" has the same meaning as in KRS
13 18A.005;

14 (b) "Primary school program" has the same meaning as in KRS 158.031(1); and

15 (c) "Public-funded" means a program which receives local, state, or federal
16 funding.

17 (2) The Early Childhood Advisory Council shall, in consultation with early care and
18 education providers, the Cabinet for Health and Family Services, and others,
19 including but not limited to child-care resource and referral agencies and family
20 resource centers, Head Start agencies, and the Kentucky Department of Education,
21 develop a quality-based graduated early care and education program rating system
22 for public-funded licensed child-care and certified family child-care homes, public-
23 funded preschool, and Head Start, based on but not limited to:

24 (a) Classroom and instructional quality;

25 (b) Administrative and leadership practices;

26 (c) Staff qualifications and professional development; and

27 (d) Family and community engagement.

- 1 (3) (a) The Cabinet for Health and Family Services shall, in consultation with the
2 Early Childhood Advisory Council, promulgate administrative regulations in
3 accordance with KRS Chapter 13A to implement the quality-based graduated
4 early childhood rating system for public-funded child-care and certified
5 family child-care homes developed under subsection (2) of this section.
- 6 (b) The Kentucky Department of Education shall, in consultation with the Early
7 Childhood Advisory Council, promulgate administrative regulations in
8 accordance with KRS Chapter 13A to implement the quality-based graduated
9 early childhood rating system, developed under subsection (2) of this section,
10 for public-funded preschool.
- 11 (c) The administrative regulations promulgated in accordance with paragraphs (a)
12 and (b) of this subsection shall include:
- 13 1. Agency time frames of reviews for rating;
 - 14 2. An appellate process under KRS Chapter 13B; and
 - 15 3. The ability of providers to request reevaluation for rating.
- 16 (4) The quality-based early childhood rating system shall not be used for enforcement
17 of compliance or in any punitive manner.
- 18 (5) The Early Childhood Advisory Council, in consultation with the Kentucky Center
19 for Education and Workforce Statistics, the Kentucky Department of Education,
20 and the Cabinet for Health and Family Services, shall report by October 1 of each
21 year to the Interim Joint Committee on Education on the implementation of the
22 quality-based graduated early childhood rating system. The report shall include the
23 following quantitative performance measures as data becomes available:
- 24 (a) Program participation in the rating system;
 - 25 (b) Ratings of programs by program type;
 - 26 (c) Changes in student school-readiness measures;
 - 27 (d) Longitudinal student cohort performance data tracked through student

1 completion of the primary school program; and
2 (e) Long-term viability recommendations for sustainability at the end of the Race
3 to the Top-Early Learning Challenge grant.

4 (6) By November 1, 2017, the Early Childhood Advisory Council and the Cabinet for
5 Health and Family Services shall report to the Interim Joint Committee on
6 Education and the Interim Joint Committee on Health, ~~and~~ Welfare, and Family
7 Services on recommendations and plans for sustaining program quality after the
8 depletion of federal Race to the Top-Early Learning Challenge grant funds.

9 (7) Any federally funded time-limited employee personnel positions created as a result
10 of the federal Race to the Top-Early Learning Challenge grant shall be eliminated
11 upon depletion of the grant funds.

12 ➔Section 65. KRS 199.8996 is amended to read as follows:

13 (1) The Cabinet for Health and Family Services shall prepare the following reports on
14 child-care programs, and shall make them available upon request:

15 (a) State and federally mandated reports on the child-care funds administered by
16 the Department for Community Based Services; and

17 (b) Reports on the child-care subsidy programs, training, resource and referral,
18 and similar activities upon request by the public, the Early Childhood
19 Advisory Council, or the Child Care Advisory Council, to the extent resources
20 are available within the cabinet and as permitted under the Kentucky Open
21 Records Act, KRS 61.870 to 61.884, and state and federal laws governing the
22 protection of human research subjects.

23 (2) The cabinet shall include the number of dedicated child-care licensing surveyor
24 positions and the ratio of surveyors to child-care facilities within its half-year block
25 grant status reports.

26 (3) By November 1, 2017, the Cabinet for Health and Family Services and the Early
27 Childhood Advisory Council shall report to the Interim Joint Committee on

1 Education and the Interim Joint Committee on Health, ~~and~~ Welfare, and Family
2 Services on recommendations and plans for sustaining the quality-based graduated
3 early care and education program after the depletion of federal Race to the Top-
4 Early Learning Challenge grant funds.

5 ➔Section 66. KRS 205.470 is amended to read as follows:

- 6 (1) As used in this section, "aging caregiver" means an individual age sixty (60) or
7 older who provides care for an individual with an intellectual disability or other
8 developmental disability.
- 9 (2) If state, federal, or other funds are available, the Kentucky Department for
10 Behavioral Health, Developmental and Intellectual Disabilities shall, in cooperation
11 with the Department for Aging and Independent Living and the Department for
12 Medicaid Services, establish a centralized resource and referral center designed as a
13 one-stop, seamless system to provide aging caregivers with information and
14 assistance with choices and planning for long-term supports for individuals with an
15 intellectual disability or developmental disability.
- 16 (3) The center created in subsection (2) of this section shall provide but not be limited
17 to the following services:
- 18 (a) Comprehensive information on available programs and services, including but
19 not limited to:
- 20 1. Residential services;
 - 21 2. Employment training;
 - 22 3. Supported employment;
 - 23 4. Behavioral support;
 - 24 5. Respite services;
 - 25 6. Adult day health or adult day social services;
 - 26 7. Support coordination;
 - 27 8. Home or environmental modifications;

- 1 9. Community living services, including an attendant, and assistance with
- 2 homemaking, shopping, and personal care;
- 3 10. Support groups in the community;
- 4 11. Psychiatric services;
- 5 12. Consumer-directed options;
- 6 13. Attorneys or legal services to assist with will preparation; and
- 7 14. The impact of inheritance on government benefits and options, including
- 8 establishing a special needs trust;
- 9 (b) Printed material and Internet-based information related to:
- 10 1. Options for future planning;
- 11 2. Financial and estate planning;
- 12 3. Wills and trusts; and
- 13 4. Advance directives and funeral and burial arrangements; and
- 14 (c) Referral to community resources.
- 15 (4) The center created in subsection (2) of this section shall operate a toll-free number
- 16 at least during regular business hours and shall publish information required in
- 17 paragraph (a) of subsection (3) of this section and a description of services provided
- 18 by the center on a cabinet ~~website~~ web site.
- 19 (5) The center created in subsection (2) of this section shall make the information listed
- 20 in subsection (3) of this section available to the support broker and any
- 21 representative of an individual who is participating in a Medicaid consumer-
- 22 directed option.
- 23 (6) The center shall use electronic information technology to track services provided
- 24 and to follow-up with individuals served and provide additional information or
- 25 referrals as needed.
- 26 (7) The department may contract with a private entity to provide the services required
- 27 under subsections (2) and (3) of this section.

- 1 (8) The cabinet may provide services identified in subsection (3) of this section to
2 individuals of any age who are caregivers of individuals with an intellectual
3 disability or developmental disability.
- 4 (9) Prior to January 1, 2008, the department shall submit a report to the Interim Joint
5 Committee on Health, ~~and~~ Welfare, and Family Services that includes but is not
6 limited to the following information:
- 7 (a) The number of individuals who contacted the center;
- 8 (b) A description of the categories of questions asked by individuals calling the
9 center; and
- 10 (c) A summary of the services provided, including the community resources to
11 which individuals were referred.
- 12 ➔Section 67. KRS 205.520 is amended to read as follows:
- 13 (1) KRS 205.510 to 205.648~~[205.630]~~ shall be known as the "Medical Assistance Act."
- 14 (2) The General Assembly of the Commonwealth of Kentucky recognizes and declares
15 that it is an essential function, duty, and responsibility of the state government to
16 provide medical care to its indigent citizenry; and it is the purpose of KRS 205.510
17 to 205.648~~[205.630]~~ to provide such care.
- 18 (3) Further, it is the policy of the Commonwealth to take advantage of all federal funds
19 that may be available for medical assistance. To qualify for federal funds the
20 secretary for health and family services may by regulation comply with any
21 requirement that may be imposed or opportunity that may be presented by federal
22 law. Nothing in KRS 205.510 to 205.648~~[205.630]~~ is intended to limit the
23 secretary's power in this respect.
- 24 (4) It is the intention of the General Assembly to comply with the provisions of Title
25 XIX of the Social Security Act which require that the Kentucky Medical Assistance
26 Program recover from third parties which have a legal liability to pay for care and
27 services paid by the Kentucky Medical Assistance Program.

1 (5) The Kentucky Medical Assistance Program shall be the payor of last resort and its
2 right to recover under KRS 205.622 to 205.630 shall be superior to any right of
3 reimbursement, subrogation, or indemnity of any liable third party.

4 ➔Section 68. KRS 205.531 is amended to read as follows:

5 All administrative hearings conducted under KRS 205.510 to 205.648~~[205.645]~~ shall be
6 conducted in accordance with KRS Chapter 13B.

7 ➔Section 69. KRS 205.540 is amended to read as follows:

8 (1) An Advisory Council for Medical Assistance shall be established in the state
9 government. The council shall consist of twenty-two (22) members. The secretary
10 for health and family services shall be an ex officio member. The other twenty-one
11 (21) members of the council shall be appointed by the Governor and shall hold
12 office for a term of four (4) years and until their successors are appointed and
13 qualify, except that the members appointed to fill the first vacancy occurring for a
14 term beginning on July 1, 1960, shall be as follows: Two (2) members shall be
15 appointed for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and
16 three (3) for four (4) years, and the respective terms of the first members shall be
17 designated by the Governor at the time of their appointments. Upon the expiration
18 of the respective terms of the members first appointed, the term of each successor
19 shall be for four (4) years and until his or her successor is appointed and qualified.
20 Thirteen (13) of the appointments shall be made one (1) from each list of three (3)
21 nominees submitted by the following organizations: the Kentucky~~[State]~~ Medical
22 Association; the Kentucky Dental Association; the Kentucky Hospital Association;
23 the Kentucky Medical Equipment Suppliers Association; the Kentucky Pharmacists
24 Association; the Kentucky Association of Health Care Facilities; the Kentucky
25 Nurses' Association; the State Board of Podiatry; the Kentucky Home Care
26 Association; the Kentucky Optometric Association; the Kentucky Primary Care
27 Association; the Kentucky Association of Hospice and Palliative Care; and the

1 Kentucky Association of Homes and Services for the Aging, Inc. The other eight
2 (8) appointive members shall be healthcare advocates knowledgeable about health
3 care and the healthcare industry, and shall include three (3) medical assistance
4 recipients; one (1) representative of a recognized consumer advocacy group
5 representing the elderly; one (1) representative of a recognized consumer advocacy
6 group representing persons reentering society following incarceration; and three (3)
7 representatives of recognized consumer advocacy groups whose membership
8 includes low-income persons, children and youth, women, minorities, and disabled
9 persons.

10 (2) Each appointive member of the council shall serve without compensation but each
11 council member not otherwise compensated for his or her time or expenses shall be
12 entitled to reimbursement for his or her actual and necessary expenses in carrying
13 out his or her duties with reimbursement for expenses being made in accordance
14 with state regulations relating to travel reimbursement.

15 (3) Vacancies shall be filled for the unexpired term in the same manner as original
16 appointments, maintaining representations as set out in subsection (1) of this
17 section.

18 (4) The council shall elect a chairman, vice chairman, and secretary from among its
19 members at its first regular meeting in each fiscal year and shall adopt rules
20 governing its proceedings. The council shall hold a meeting at least once every
21 three (3) months and such other special or regular meetings as may be desired.

22 (5) The eight (8) appointive members who are healthcare advocates shall not have a
23 fiduciary relationship or interest in any health-care facility or service.

24 ➔Section 70. KRS 205.590 is amended to read as follows:

25 (1) The following technical advisory committees shall be established for the purpose of
26 acting in an advisory capacity to the Advisory Council for Medical Assistance with
27 respect to the administration of the medical assistance program and in performing

- 1 the function of peer review:
- 2 (a) A Technical Advisory Committee on Physician Services consisting of five (5)
- 3 physicians appointed by the council of the Kentucky~~[State]~~ Medical
- 4 Association;
- 5 (b) A Technical Advisory Committee on Hospital Care consisting of five (5)
- 6 hospital administrators appointed by the board of trustees of the Kentucky
- 7 Hospital Association;
- 8 (c) A Technical Advisory Committee on Dental Care consisting of five (5)
- 9 dentists appointed by the Kentucky Dental Association;
- 10 (d) A Technical Advisory Committee on Nursing Service consisting of five (5)
- 11 nurses appointed by the board of directors of the Kentucky Nurses~~[State]~~
- 12 Association~~[of Registered Nurses]~~;
- 13 (e) A Technical Advisory Committee on Nursing Home Care consisting of six (6)
- 14 members of which five (5) members shall be appointed by the Kentucky
- 15 Association of Health Care Facilities, and one (1) member shall be appointed
- 16 by the Kentucky Association of Nonprofit Homes and Services for the Aging,
- 17 Inc.;
- 18 (f) A Technical Advisory Committee on Optometric Care consisting of five (5)
- 19 members appointed by the Kentucky Optometric Association;
- 20 (g) A Technical Advisory Committee on Podiatric Care consisting of five (5)
- 21 podiatrists appointed by the Kentucky Podiatric Medical~~[Podiatry]~~
- 22 Association;
- 23 (h) A Technical Advisory Committee on Primary Care consisting of five (5)
- 24 primary care providers, two (2) of whom shall represent licensed health
- 25 maintenance organizations, appointed by the Governor, until such time as an
- 26 association of primary care providers is established, whereafter the association
- 27 shall appoint the members;

- 1 (i) A Technical Advisory Committee on Home Health Care consisting of five (5)
2 members appointed by the board of directors of the Kentucky Home Health
3 Association;
- 4 (j) A Technical Advisory Committee on Consumer Rights and Client Needs
5 consisting of seven (7) members, with one (1) member to be appointed by
6 each of the following organizations: the American Association of Retired
7 Persons Kentucky, the Family Resource Youth Services Coalition of
8 Kentucky, the Kentucky Association of Community Health Workers, the
9 Kentucky Legal Services Corporation, the Arc of Kentucky, the Department
10 of Public Advocacy, and the National Association of Social Workers-
11 Kentucky Chapter;
- 12 (k) A Technical Advisory Committee on Behavioral Health consisting of seven
13 (7) members, with one (1) member to be appointed by each of the following
14 organizations: the Kentucky Mental Health Coalition, the Kentucky
15 Association of Regional Programs, the National Alliance on Mental Illness
16 (NAMI) Kentucky, a statewide mental health consumer organization, the
17 People Advocating Recovery (PAR), the Brain Injury Association of
18 America-Kentucky Chapter, and the ~~Kentucky~~ Brain Injury Alliance **of**
19 **Kentucky**;
- 20 (l) A Technical Advisory Committee on Children's Health consisting of ten (10)
21 members, with one (1) member to be appointed by each of the following
22 organizations: the Kentucky Chapter of the American Academy of Pediatrics,
23 the Kentucky PTA, the Kentucky Psychological Association, the Kentucky
24 School Nurses Association, the Kentucky Association for Early Childhood
25 Education, the Family Resource and Youth Services Coalition of Kentucky,
26 the Kentucky Youth Advocates, the Kentucky Association of Hospice and
27 Palliative Care, a parent of a child enrolled in Medicaid or the Kentucky

1 Children's Health Insurance Program appointed by the Kentucky Head Start
2 Association, and a pediatric dentist appointed by the Kentucky Dental
3 Association;

4 (m) A Technical Advisory Committee on Intellectual and Developmental
5 Disabilities consisting of nine (9) members, one (1) of whom shall be a
6 consumer who participates in a nonresidential community Medicaid waiver
7 program, one (1) of whom shall be a consumer who participates in a
8 residential community Medicaid waiver program, one (1) of whom shall be a
9 consumer representative of a family member who participates in a community
10 Medicaid waiver program, and one (1) of whom shall be a consumer
11 representative of a family member who resides in an ICF/ID facility that
12 accepts Medicaid payments, all of whom shall be appointed by the Governor;
13 one (1) member shall be appointed by the Arc of Kentucky; one (1) member
14 shall be appointed by the Commonwealth Council on Developmental
15 Disabilities; one (1) member shall be appointed by the Kentucky Association
16 of Homes and Services for the Aging; and two (2) members shall be
17 appointed by the Kentucky Association of Private Providers, one (1) of whom
18 shall be a nonprofit provider and one (1) of whom shall be a for-profit
19 provider;

20 (n) A Technical Advisory Committee on Therapy Services consisting of six (6)
21 members, two (2) of whom shall be occupational therapists and shall be
22 appointed by the Kentucky Occupational Therapists Association, two (2) of
23 whom shall be physical therapists and shall be appointed by the Kentucky
24 Physical Therapy Association, and two (2) of whom shall be speech therapists
25 and shall be appointed by the Kentucky Speech-Language-Hearing
26 Association;

27 (o) A Technical Advisory Committee on Pharmacy consisting of seven (7)

1 members, two (2) of whom shall be Kentucky licensed pharmacists who own
2 fewer than ten (10) pharmacies in the Commonwealth and shall be appointed
3 by the Kentucky Independent Pharmacy Alliance, two (2) of whom shall be
4 Kentucky licensed pharmacists and shall be appointed by the Kentucky
5 Pharmacy Association, and one (1) member to be appointed by each of the
6 following organizations: the Kentucky Hospital Association, the Kentucky
7 Primary Care Association, and the National Association of Chain Drug
8 Stores;

9 (p) A Technical Advisory Committee on Persons Returning to Society from
10 Incarceration consisting of twelve (12) members of whom:

11 1. One (1) shall be appointed by each of the following organizations: the
12 Kentucky Jailers Association, the Kentucky Medical Association, the
13 Kentucky Association of Nurse Practitioners and Nurse-Midwives,
14 Community Action of Kentucky, the Homeless and Housing Coalition
15 of Kentucky, the Kentucky Office of Drug Control Policy, a Kentucky
16 civil legal aid program, the Kentucky Department of Corrections, the
17 Kentucky Department of Public Advocacy, the Kentucky Association of
18 Regional Programs, and the Kentucky Administrative Office of the
19 Courts; and

20 2. One (1) formerly incarcerated individual who is a current or former
21 Medicaid recipient shall be appointed by Mental Health America of
22 Kentucky; and

23 (q) A Technical Advisory Committee on Emergency Medical Services consisting
24 of seven (7) members, one (1) of whom shall represent the air medical
25 industry and shall be appointed by the Kentucky Chapter of the Association of
26 Air Medical Services; one (1) of whom shall be appointed by the Kentucky
27 Board of Emergency Medical Services; two (2) of whom shall represent the

1 emergency medical services billing industry and shall be members of and
2 appointed by the Kentucky Ambulance Providers Association; two (2) of
3 whom shall represent ground ambulance providers and shall be appointed by
4 the Kentucky Ambulance Providers Association; and one (1) of whom shall
5 represent a fire-based emergency medical service and shall be appointed by
6 the Kentucky Association of Fire Chiefs. All members appointed to this
7 committee shall represent emergency medical services providers that operate
8 in Kentucky and shall have experience in interpreting, implementing, or
9 ensuring compliance with Medicaid regulations.

10 (2) The members of the technical advisory committees shall serve until their successors
11 are appointed and qualified.

12 (3) Each appointive member of a committee shall serve without compensation but shall
13 be entitled to reimbursement for actual and necessary expenses in carrying out their
14 duties with reimbursement for expenses being made in accordance with state
15 regulations relating to travel reimbursement.

16 ➔Section 71. KRS 205.619 is amended to read as follows:

17 (1) By October 30, 2008, the Cabinet for Health and Family Services shall submit to
18 the Centers~~Center~~ for Medicare and Medicaid Services an amendment to the State
19 Medicaid Plan to permit the establishment of a Kentucky Long-Term Care
20 Partnership Insurance Program that provides for the disregard of any assets or
21 resources in an amount equal to the insurance benefit payments made to or on
22 behalf of an individual who is a beneficiary of the partnership insurance program
23 that meets the requirements of KRS 304.14-640 and 304.14-642.

24 (2) The secretary of the cabinet shall notify in writing the commissioner of the
25 Department of Insurance and the co-chairs of the Interim Joint Committee on
26 Health and Welfare and the Interim Joint Committee on Banking and Insurance
27 within two (2) business days of the submission of the plan amendment and of the

1 receipt of the response by the federal agency.

2 (3) Upon approval by the federal government of the state plan amendment, the
3 Department for Medicaid Services, in conjunction with the Department of
4 Insurance, shall establish the Kentucky Long-Term Care Partnership Insurance
5 Program in accordance with KRS 304.14-640 and 304.14-642.

6 (4) The department shall:

7 (a) Provide consultation, information, and materials to the Department of
8 Insurance to assist in the development and issuance of uniform training
9 materials in accordance with KRS 304.14-642(4); and

10 (b) Collaborate in the preparation of the report required in KRS 304.14-642(6).

11 ➔Section 72. KRS 205.647 is amended to read as follows:

12 (1) As used in this section, "state pharmacy benefit manager" means a pharmacy
13 benefit manager, as defined in KRS 304.9-020, contracted by the department,
14 pursuant to KRS 205.5512, to administer pharmacy benefits for all Medicaid
15 recipients enrolled in a managed care organization in the Commonwealth.

16 (2) The state pharmacy benefit manager shall, upon receipt of a request from the
17 Department for Medicaid Services, provide the following information to the
18 Department for Medicaid Services in a form and manner prescribed by the
19 Department for Medicaid Services:

20 (a) The total Medicaid dollars paid to the state pharmacy benefit manager by a
21 managed care organization and the total amount of Medicaid dollars paid to
22 the pharmacy benefit manager by a managed care organization which were
23 not subsequently paid to a pharmacy licensed in Kentucky;

24 (b) 1. The average reimbursement, by drug ingredient cost, dispensing fee, and
25 any other fee paid by the state pharmacy benefit manager to licensed
26 pharmacies with which the state pharmacy benefit manager shares
27 common ownership, management, or control; or which are owned,

1 managed, or controlled by any of the state pharmacy benefit manager's
2 management companies, parent companies, subsidiary companies,
3 jointly held companies, or companies otherwise affiliated by a common
4 owner, manager, or holding company; or which share any common
5 members on the board of directors; or which share managers in
6 common.

7 2. For the purposes of this subsection, "average reimbursement" means a
8 statistical methodology selected by the Department for Medicaid
9 Services via any administrative regulations promulgated pursuant to this
10 section which shall include, at a minimum, the median and mean;

11 (c) The average reimbursement, by drug ingredient cost, dispensing fee, and any
12 other fee, paid by the state pharmacy benefit manager to pharmacies licensed
13 in Kentucky which operate more than ten (10) locations;

14 (d) The average reimbursement by drug ingredient cost, dispensing fee, and any
15 other fee, paid by the state pharmacy benefit manager to pharmacies licensed
16 in Kentucky which operate ten (10) or fewer locations; and

17 (e) All common ownership, management, common members of a board of
18 directors, shared managers, or control of the state pharmacy benefit manager,
19 or any of the state pharmacy benefit manager's management companies,
20 parent companies, subsidiary companies, jointly held companies, or
21 companies otherwise affiliated by a common owner, manager, or holding
22 company with any managed care organization contracted to administer
23 Kentucky Medicaid benefits, any entity which contracts on behalf of a
24 pharmacy, or any pharmacy services administration organization; or any
25 common ownership, management, common members of a board of directors,
26 shared managers, or control of a pharmacy services administration
27 organization that is contracted with the state pharmacy benefit manager, with

1 any drug wholesaler or distributor or any of the pharmacy services
2 administration organization's management companies, parent companies,
3 subsidiary companies, jointly held companies, or companies otherwise
4 affiliated by a common owner, common members of a board of directors,
5 manager, or holding company.

6 (3) All information provided by the state pharmacy benefit manager pursuant to
7 subsection (2) of this section shall reflect data for the most recent full calendar year
8 and shall be divided by month. This information shall be managed by the
9 Department for Medicaid Services in accordance with applicable law and shall be
10 exempt from KRS 61.870 to 61.884 in accordance with KRS 61.878(1)(c).

11 (4) Any contract entered into or renewed for the delivery of Medicaid services by a
12 managed care organization on or after March 27, 2020, shall comply with the
13 following requirements:

14 (a) The Department for Medicaid Services shall, in accordance with KRS
15 205.5514, set or create, and may change at any time for any reason,
16 reimbursement rates between the state pharmacy benefit manager and a
17 contracted pharmacy, or an entity which contracts on behalf of a pharmacy.
18 Reimbursement rates shall include dispensing fees which take into account
19 applicable guidance by the Centers~~[Center]~~ for Medicare and Medicaid
20 Services;

21 (b) All laws and administrative regulations promulgated by the Department for
22 Medicaid Services, including but not limited to the regulation of maximum
23 allowable costs;

24 (c) The Department for Medicaid Services shall review and may approve or deny
25 any contract between the managed care organization and the state pharmacy
26 benefit manager;

27 (d) Any fee established, modified, or implemented directly or indirectly by a

1 managed care organization, the state pharmacy benefit manager, or an entity
2 which contracts on behalf of a pharmacy that is directly or indirectly charged
3 to, passed onto, or required to be paid by a pharmacy services administration
4 organization, pharmacy, or Medicaid recipient shall be submitted to the
5 Department for Medicaid Services for approval. This paragraph shall not
6 apply to any membership fee or service fee established, modified, or
7 implemented by a pharmacy services administration organization on a
8 pharmacy licensed in Kentucky that is not directly or indirectly related to
9 product reimbursement; and

10 (e) The provisions of KRS 205.5512 and 205.5514.

11 (5) The Department for Medicaid Services may promulgate administrative regulations
12 pursuant to KRS Chapter 13A as necessary to implement and administer its
13 responsibilities under this section. These administrative regulations may include but
14 are not limited to the assessment of fines, penalties, or sanctions for noncompliance.

15 (6) The Department for Medicaid Services may consider any information ascertained
16 pursuant to this section in the setting, creation, or approval of reimbursement rates
17 used by a pharmacy benefit manager or an entity which contracts on behalf of a
18 pharmacy.

19 ➔Section 73. KRS 205.702 is amended to read as follows:

20 (1) The cabinet shall take all necessary actions to ensure that parents receiving public
21 assistance may engage in educational and vocational programs where assessment
22 shows their chances of achieving self-sufficiency will improve.

23 (2) The cabinet shall file quarterly progress reports and an annual report with the
24 Legislative Research Commission and the Interim Joint Committee on Health, ~~and~~
25 Welfare, and Family Services documenting the results of the cabinet's efforts to
26 enable parents receiving public assistance to participate in activities to achieve self-
27 sufficiency. The annual report shall identify the number and proportion of parents,

1 compared to the previous state fiscal year and the last full year of activity under the
2 Job Opportunities and Basic Skills Program who:

- 3 (a) Participated in each type of educational, vocational training, or work activity,
4 including post-secondary education;
- 5 (b) Successfully completed educational or vocational programs;
- 6 (c) Earned income due to work activity, including work study programs, while
7 receiving public assistance;
- 8 (d) Became ineligible for public assistance due to increases in earnings; and
- 9 (e) Became ineligible for public assistance for other reasons, including but not
10 limited to penalties or expiration of time limits.

11 ➔Section 74. KRS 205.710 is amended to read as follows:

12 As used in KRS 205.710~~[205.712]~~ to 205.802~~[205.800]~~, unless the context clearly
13 dictates otherwise:

- 14 (1) "Cabinet" shall mean the Cabinet for Health and Family Services;
- 15 (2) "Secretary" shall mean the secretary of the Cabinet for Health and Family Services;
- 16 (3) "Court order" shall mean any judgment, decree, or order of the courts of this state
17 or any other state. For the purposes of KRS 205.715 to 205.800, 403.215, 405.405
18 to 405.520, and 530.050, it shall also include an order of an authorized
19 administrative body;
- 20 (4) "Dependent child" or "needy dependent child" shall mean any person under the age
21 of eighteen (18), or under the age of nineteen (19) if in high school, who is not
22 otherwise emancipated, self-supporting, married, or a member of the Armed Forces
23 of the United States and is a recipient of or applicant for services under Part D of
24 Title IV of the Social Security Act;
- 25 (5) "Duty of support" shall mean any duty of support imposed or imposable by law or
26 by court order, decree, or judgment, whether interlocutory or final, and includes the
27 duty to pay spousal support that applies to spouses with a child even if child support

1 is not part of the order or when spousal support is assigned to the cabinet and
2 arrearages of support past due and unpaid in addition to medical support whenever
3 health-care coverage is available at a reasonable cost;

4 (6) "Recipient" shall mean a relative or payee within the meaning of the Social Security
5 Act and federal and state regulations who is receiving public assistance on behalf of
6 a needy dependent child;

7 (7) "Consumer reporting agency" means any person or organization which, for
8 monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole
9 or in part in the practice of assembling or evaluating consumer credit information or
10 other information on consumers for the purpose of furnishing consumer reports to
11 third parties, and which uses any means or facility of interstate commerce for the
12 purpose of preparing or furnishing consumer reports;

13 (8) "Obligor" means a parent who has an obligation to provide support;

14 (9) "Employer" means any individual, sole proprietorship, partnership, association, or
15 private or public corporation, the United States or any federal agency, this state or
16 any political subdivision of this state, any other state or a political subdivision of
17 another state, or any other legal entity which hires and pays an individual for his
18 services;

19 (10) "Income" means but is not limited to any of the following:

20 (a) Commissions, bonuses, workers' compensation awards attributable to lost
21 wages, retirement and pensions, interest and disability, earnings, salaries,
22 wages, and other income due or to be due in the future from a person's
23 employer and successor employers;

24 (b) Any payment due or to be due in the future from a profit-sharing plan,
25 pension plan, insurance contract, annuity, Social Security, proceeds derived
26 from state lottery winnings, unemployment compensation, supplemental
27 unemployment benefits, and workers' compensation; and

- 1 (c) Any amount of money which is due to the obligor under a support order as a
2 debt of any other individual, partnership, association, or private or public
3 corporation, the United States or any federal agency, this state or any political
4 subdivision of this state, any other state or a political subdivision of another
5 state, or any other legal entity which is indebted to the obligor;
- 6 (11) "Earnings" means compensation paid or payable for personal services, whether
7 denominated as wages, salary, commission, bonus, or otherwise, and
8 notwithstanding any other provision of law exempting such payments from
9 garnishment, attachment, or other process to satisfy support obligations and
10 specifically includes periodic payments from pension and retirement programs and
11 insurance policies of any kind. Earnings shall include all gain derived from capital,
12 from labor, or both, including profit gained through sale or conversion of capital
13 assets and unemployment compensation benefits, or any other form of monetary
14 gain. The term "disposable earnings" means that part of earnings remaining after
15 deductions of any amounts required by law to be withheld;
- 16 (12) "Enforce" means to employ any judicial or administrative remedy under KRS
17 405.405 to 405.420 and KRS 405.991(2) or under any other Kentucky law;
- 18 (13) "Need" includes, but is not limited to, the necessary cost of food, clothing, shelter,
19 and medical care. The amount determined under the suggested minimum support
20 obligation scale shall be rebuttably presumed to correspond to the parent's ability to
21 pay and the need of the child. A parent shall be presumed to be unable to pay child
22 support from any income received from public assistance under Title IV-A of the
23 Social Security Act, or other continuing public assistance;
- 24 (14) "Parent" means a biological or adoptive mother or father of a child born in wedlock
25 or a father of a child born out of wedlock if paternity has been established in a
26 judicial proceeding or in any manner consistent with the laws of this or any other
27 state, whose child is entitled to support, pursuant to court order, statute, or

1 administrative determination; and

2 (15) "Real and personal property" includes all property of all kinds, including but not
3 limited to, all gain derived from capital, labor, or both; compensation paid or
4 payable for personal services, whether denominated as wages, salary, commission,
5 bonus, or otherwise; periodic payments from pension and retirement programs; and
6 unemployment compensation and insurance policies.

7 ➔Section 75. KRS 205.8461 is amended to read as follows:

8 (1) Except as otherwise provided in KRS 205.510 to ~~205.630~~ 205.648, no provider
9 shall knowingly solicit, receive, or offer any remuneration (including any kickback,
10 bribe, or rebate) for furnishing medical assistance benefits or in return for
11 purchasing, leasing, ordering, or arranging for or recommending purchasing,
12 leasing, or ordering any goods, facility, service, or item for which payment may be
13 made pursuant to Title XIX of the Social Security Act.

14 (2) (a) No provider shall knowingly make, offer, or receive a payment, a rebate of a
15 fee, or a charge for referring a recipient to another provider for furnishing of
16 benefits.

17 (b) Any conduct or activity which does not violate or which is protected under the
18 provisions of 42 U.S.C. sec. 1395nn or 42 U.S.C. sec. 1320A-7b(b), as
19 amended, or federal regulations promulgated under those statutes, shall not be
20 deemed to violate the provisions of KRS 205.8451 to 205.8483, and the
21 conduct or activity shall be accorded the same protections allowed under
22 federal law and regulation.

23 (3) Any person who violates subsection (1) or (2) of this section shall be guilty of a
24 Class A misdemeanor unless the combination or aggregation of offenses is valued
25 at three hundred dollars (\$300) or more, in which case it shall be a Class D felony.
26 In addition to any other penalty authorized by law, any person who violates the
27 provisions of subsection (2)(a) of this section shall not be entitled to bill or collect

1 from the recipient or any third-party payor and shall repay any payments due the
2 Commonwealth for services provided which were related to the referral.

3 ➔Section 76. KRS 209A.122 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Center" means the Criminal Justice Statistical Analysis Center created in
6 KRS 15.280;

7 (b) "Corollary victim" means an individual other than the victim who is directly
8 impacted by domestic violence and abuse or dating violence and abuse, either
9 through relationship or proximity;

10 (c) "Domestic violence fatalities" means deaths that occur as a result of domestic
11 violence and abuse or dating violence and abuse, and includes but is not
12 limited to homicides, related suicides, and corollary victims; and

13 (d) "Near fatality" means a crime where serious physical injury as defined in KRS
14 500.080 occurs.

15 (2) The center shall:

16 (a) Collect information on domestic violence fatalities, domestic violence and
17 abuse, and dating violence and abuse within the Commonwealth from
18 subsections (3) to (8) of this section; and

19 (b) Produce an annual report by July 1 of each year and submit the report to the:

20 1. Kentucky Coalition Against Domestic Violence;

21 2. Governor;

22 3. Cabinet for Health and Family Services;

23 4. Interim Joint Committee on Judiciary;

24 5. Interim Joint Committee on Health, Welfare, and Family Services; and

25 6. Legislative Research Commission.

26 The Kentucky Coalition Against Domestic Violence may provide the agencies
27 listed in paragraph (b)1. to 6. of this subsection with best practices and any other

1 recommendations for public policy by November 1 of each year.

2 (3) (a) The Department of Kentucky State Police shall provide the center with:

- 3 1. The number of domestic violence and abuse and dating violence and
4 abuse calls for service to which the Kentucky State Police and
5 associated law enforcement agencies responded;
- 6 2. The number of arrests by Kentucky State Police and associated agencies
7 in response to calls of domestic violence and abuse or dating violence
8 and abuse; and
- 9 3. If an arrest was made, the arresting offense charged by Kentucky State
10 Police or associated law enforcement agencies.

11 (b) The Department of Kentucky State Police shall separately report:

- 12 1. The number of domestic violence and abuse and dating violence and
13 abuse calls for service to which all other law enforcement agencies
14 responded, if known;
- 15 2. The number of arrests by all other local law enforcement agencies in
16 response to calls of domestic violence and abuse and dating violence
17 and abuse; and
- 18 3. If an arrest was made, the arresting offense listed by all other local law
19 enforcement agencies not reported under paragraph (a) of this
20 subsection.

21 (4) The Administrative Office of the Courts shall provide the center with:

- 22 (a) The number and type of petitions for orders of protection filed and denied
23 under KRS 403.725;
- 24 (b) The number and type of petitions for interpersonal violence orders filed and
25 denied under KRS 456.030;
- 26 (c) The number of emergency protective orders granted under KRS 403.730 and
27 temporary interpersonal protective orders granted under KRS 456.040;

- 1 (d) The number of domestic violence orders granted under KRS 403.740 and
2 interpersonal protective orders granted under 456.060, excluding amended or
3 corrected orders;
- 4 (e) The relationship between the petitioner and the respondent, if known;
- 5 (f) Demographics of the parties, including age, race, and gender;
- 6 (g) Information on whether the victim was or is pregnant, if indicated on the
7 petition; and
- 8 (h) The number of criminal charges for a violation of an order of protection.
- 9 (5) The Law Information Network of Kentucky (LINK) shall provide the center with
10 the:
- 11 (a) Number of orders of protection received to be served by law enforcement
12 agencies;
- 13 (b) Number of orders of protection served by law enforcement agencies;
- 14 (c) Number of orders of protection in LINK; and
- 15 (d) Average time for actual service to be returned.
- 16 (6) The Cabinet for Health and Family Services shall provide the center with:
- 17 (a) The number of reports of alleged child abuse made to the cabinet through an
18 adult or child abuse hotline in which there were also allegations of domestic
19 violence; and
- 20 (b) Domestic violence and abuse and dating violence and abuse shelter statistics
21 reported to the cabinet, including but not limited to the:
- 22 1. Number of beds;
- 23 2. Number of minors served in shelter;
- 24 3. Number of minors served in non-shelter services;
- 25 4. Number of adults served in shelter;
- 26 5. Number of adults served in non-shelter services;
- 27 6. Demographics, including age and race;

- 1 7. Number of crisis or hotline calls;
- 2 8. Number of minors receiving:
 - 3 a. Crisis intervention;
 - 4 b. Victim advocacy services; and
 - 5 c. Individual or group counseling or support group;
- 6 9. Number of adult victims receiving:
 - 7 a. Crisis intervention;
 - 8 b. Victim advocacy services;
 - 9 c. Individual or group counseling or support group;
 - 10 d. Criminal or civil legal advocacy;
 - 11 e. Medical accompaniment; and
 - 12 f. Transportation services; and
- 13 10. Type of services provided.

14 (7) The Office of the~~[Division of]~~ Kentucky State Medical Examiner~~[Examiner's~~
 15 ~~Office]~~ shall provide the center with the number of deaths in which domestic
 16 violence and abuse or dating violence and abuse was a contributing factor.

17 (8) Coroners shall provide the center with the number of deaths as a result of, or
 18 suspected to be a result of, domestic violence and abuse or dating violence and
 19 abuse.

20 ➔Section 77. KRS 210.031 is amended to read as follows:

21 (1) The cabinet shall establish an advisory committee of sixteen (16) members to
 22 advise the Department for Behavioral Health, Developmental and Intellectual
 23 Disabilities of the need for particular services for persons who are deaf or hard-of-
 24 hearing.

25 (a) At least eight (8) members shall be deaf or hard-of-hearing and shall be
 26 appointed by the secretary. Four (4) deaf or hard-of-hearing members,
 27 representing one (1) of each of the following organizations, shall be appointed

1 from a list of at least two (2) nominees submitted from each of the following
2 organizations:

- 3 1. The Kentucky Association of the Deaf;
- 4 2. The A.G. Bell Association;
- 5 3. The Kentucky School for the Deaf Alumni Association; and
- 6 4. Hearing Loss Association of America~~[Self-Help for the Hard-of~~
7 ~~Hearing]~~.

8 The remaining four (4) deaf or hard-of-hearing members shall be appointed
9 by the secretary from a list of at least eight (8) nominees submitted by the
10 Kentucky Commission on the Deaf and Hard of Hearing.

11 (b) One (1) member shall be a family member of a deaf or hard-of-hearing
12 consumer of mental health services and shall be appointed by the secretary
13 from a list of nominees accepted from any source.

14 (c) The head of each of the following entities shall appoint one (1) member to the
15 advisory committee:

- 16 1. The Cabinet for Health and Family Services, Department for Behavioral
17 Health, Developmental and Intellectual Disabilities;
- 18 2. The Education and Labor Cabinet, Office of Vocational Rehabilitation;
- 19 3. The Cabinet for Health and Family Services, Department for Aging and
20 Independent Living;
- 21 4. The Education and Labor Cabinet, Commission on the Deaf and Hard of
22 Hearing;
- 23 5. The Kentucky Registry of Interpreters for the Deaf; and
- 24 6. A Kentucky School for the Deaf staff person involved in education.

25 (d) The remaining member shall be a representative of a regional board for
26 mental health or individuals with an intellectual disability, appointed by the
27 commissioner of the Department for Behavioral Health, Developmental and

1 Intellectual Disabilities from a list composed of two (2) names submitted by
2 each regional board for mental health or individuals with an intellectual
3 disability.

4 (2) Of the members defined in subsection (1)(a) and (b) of this section, three (3) shall
5 be appointed for a one (1) year term, three (3) shall be appointed for a two (2) year
6 term, and three (3) shall be appointed for a three (3) year term; thereafter, they shall
7 be appointed for three (3) year terms. The members defined under subsection (1)(c)
8 and (d) of this section shall serve with no fixed term of office.

9 (3) The members defined under subsection (1)(a) and (b) of this section shall serve
10 without compensation but shall be reimbursed for actual and necessary expenses;
11 the members defined under subsection (1)(c) and (d) of this section shall serve
12 without compensation or reimbursement of any kind.

13 (4) The Department for Behavioral Health, Developmental and Intellectual Disabilities
14 shall make available personnel to serve as staff to the advisory committee.

15 (5) The advisory committee shall meet quarterly at a location determined by the
16 committee chair.

17 (6) (a) The advisory committee shall prepare a biennial report which:

- 18 1. Describes the accommodations and the mental health, intellectual
19 disability, development disability, and substance abuse services made
20 accessible to deaf and hard-of-hearing persons;
- 21 2. Reports the number of deaf or hard-of-hearing persons served;
- 22 3. Identifies additional service needs for the deaf and hard-of-hearing; and
- 23 4. Identifies a plan to address unmet service needs.

24 (b) The report shall be submitted to the secretary, the commissioner of the
25 Department for Behavioral Health, Developmental and Intellectual
26 Disabilities, and the Interim Joint Committee on Health, Welfare, and Family
27 Services ~~and Welfare~~ by July 1 of every odd-numbered year.

1 ➔Section 78. KRS 210.290 is amended to read as follows:

- 2 (1) The Cabinet for Health and Family Services may be appointed and act as executor,
3 administrator, guardian, limited guardian, conservator, or limited conservator as
4 provided in this section. In this capacity the cabinet may act as a fiduciary and
5 transact business in the same manner as any individual and for fiduciary purposes
6 may sue and be sued in any of the courts of the state. Bond shall not be required of
7 the cabinet.
- 8 (2) (a) Whenever a resident of the state is adjudged partially disabled or disabled and
9 no other suitable person or entity is available and willing to act as limited
10 guardian, guardian, limited conservator, or conservator, the cabinet may be
11 appointed as the resident's limited guardian, guardian, limited conservator, or
12 conservator. As used in this paragraph, "resident of the state" means an
13 individual who has a permanent, full-time residence in Kentucky prior to the
14 filing of a petition for or appointment of a limited guardian, guardian, limited
15 conservator, or conservator for at least the previous six (6) months that is not
16 a hospital, treatment facility, correctional facility, or long-term care facility,
17 and who is a citizen or permanent resident of the United States.
- 18 (b) Notwithstanding paragraph (a) of this subsection, except upon written order of
19 the court in exceptional circumstances, the cabinet shall not be appointed as a
20 limited guardian, guardian, limited conservator, or conservator of a partially
21 disabled or disabled person when the person:
- 22 1. Has been convicted of, pled guilty to, or entered an Alford plea for a sex
23 crime as defined in KRS 17.500 or an offense that would classify the
24 person as a violent offender under KRS 439.3401; or
 - 25 2. Is not alive or cannot be physically located.
- 26 (c) Before appointing the cabinet, consideration shall be given to the average
27 caseload of each field social worker.

- 1 (d) The cabinet, acting through its designated officer, may apply to the District
2 Court of the county in which the adjudication is made for appointment as
3 limited guardian, guardian, limited conservator, or conservator for a partially
4 disabled or disabled person who meets the requirements of this subsection.
- 5 (3) When the cabinet is appointed as a limited guardian, guardian, limited conservator,
6 or conservator of a partially disabled or disabled person, the cabinet shall not:
- 7 (a) Assume physical custody of the person;
8 (b) Be assigned as the person's caregiver or custodian; or
9 (c) Become personally liable for the person's expenses or placement, or to third
10 parties for the person's actions. However, the cabinet shall procure resources
11 and services for which the person is eligible when necessary and available.
- 12 (4) (a) Except as provided in paragraph (b) of this subsection, upon the death of a
13 person for whom the cabinet has been appointed guardian or conservator, or
14 upon the death of a person who has been committed to the cabinet leaving an
15 estate and having no relatives at the time residing within the state, the cabinet
16 may apply for appointment as administrator and upon appointment shall close
17 the administration of the estate.
- 18 (b) If a person for whom the cabinet has been appointed guardian or conservator
19 dies with less than ten thousand dollars (\$10,000) of personal property or
20 money, the cabinet shall not be required to apply for appointment as
21 administrator. However, prior to the release of funds to the person's estate, the
22 cabinet shall ensure all outstanding bills related to living expenses, reasonable
23 funeral expenses when not prepaid, and estate recovery are paid. Any funds
24 that remain after those expenses are paid may be released first to other
25 creditors and then to the relatives of the ward. The cabinet shall establish an
26 online registry to provide public notice of remaining funds to other creditors
27 and relatives of the ward, and the process for claiming those funds.

1 Notwithstanding KRS 393.020, if the funds of a ward are less than ten
2 thousand dollars (\$10,000) and remain unclaimed after the expiration of one
3 (1) year from the date public notice is made, the funds shall escheat to the
4 guardianship trust fund established in subsection (5) of this section.

5 (5) There is created in the cabinet a trust and agency fund to be known as the
6 guardianship trust fund. The trust shall consist of funds of deceased wards that
7 remain after living, funeral, and estate recovery expenses are paid and that are
8 unclaimed for one (1) year after public notice is made. The trust may also receive
9 donations or grant funds for the support of indigent wards. Notwithstanding KRS
10 45.229, any unused trust balance at the close of the fiscal year shall not lapse but
11 shall be carried forward to the next fiscal year. Any interest earnings of the trust
12 shall become part of the trust and shall not lapse. The trust may make investments
13 as authorized by subsection (7) of this section and may use funds in the trust for the
14 benefit of indigent wards for expenses including:

- 15 (a) Temporary housing costs;
- 16 (b) Medical supplies or transportation services not covered by Medicaid;
- 17 (c) Emergency personal needs, including clothing or food;
- 18 (d) Burial expenses if no county funds are available in the county of death; and
- 19 (e) Expenses necessary to ensure health, safety, and well-being when no other
20 funds are available or accessible in a timely manner.

21 (6) The cabinet shall make available an annual report of income and expenditures from
22 the guardianship trust fund. The trust shall be subject to an independent audit at the
23 request of the General Assembly or the ~~[State]~~ Auditor ***of Public Accounts***.

24 (7) The cabinet may invest funds held as fiduciary in bonds or other securities
25 guaranteed by the United States, and may sell or exchange such securities in its
26 discretion. In addition, the cabinet may establish or place funds held as fiduciary in
27 a trust.

1 (8) The cabinet shall receive such fees for its fiduciary services as provided by law.
2 These fees shall be placed in a trust and agency account, from which may be drawn
3 expenses for filing fees, court costs, and other expenses incurred in the
4 administration of estates. Claims of the cabinet against the estates shall be
5 considered in the same manner as any other claim.

6 (9) An officer designated by the secretary may act as legal counsel for any patient in a
7 state mental hospital or institution against whom a suit of any nature has been filed,
8 without being appointed as guardian, limited guardian, conservator, or limited
9 conservator.

10 (10) Patients hospitalized pursuant to KRS Chapters 202A and 202B who are not
11 adjudged disabled or partially disabled may authorize the Cabinet for Health and
12 Family Services to handle personal funds received by them at the hospital in the
13 same manner as prescribed in subsections (7) and (8) of this section.

14 ➔Section 79. KRS 210.365 is amended to read as follows:

15 (1) As used in this section:

16 (a) "Commission" means the Kentucky Fire Commission;

17 (b) "Crisis intervention team (CIT) training" means a forty (40) hour training
18 curriculum based on the Memphis Police Department Crisis Intervention
19 Team model of best practices for law enforcement intervention with persons
20 who may have a mental illness, substance use disorder, an intellectual
21 disability, developmental disability, or dual diagnosis that meets the
22 requirements of subsections (2) to (5) of this section and is approved by the
23 commission and the Kentucky Law Enforcement Council;

24 (c) "Department" means the Department for Behavioral Health, Developmental
25 and Intellectual Disabilities;

26 (d) "Prisoner" has the same meaning as set out in KRS 441.005; and

27 (e) "Qualified mental health professional" has the same meaning as set out in

1 KRS 202A.011.

2 (2) The department shall, in collaboration with the commission, Justice and Public
3 Safety Cabinet, the regional community boards for mental health or individuals
4 with an intellectual disability, and representatives of the Kentucky statewide
5 affiliate of the National Alliance on Mental Illness, coordinate the development of
6 CIT training designed to train firefighters and law enforcement officers to:

- 7 (a) Effectively respond to persons who may have a mental illness, substance use
8 disorder, intellectual disability, developmental disability, or dual diagnosis;
- 9 (b) Reduce injuries to firefighters, officers, and citizens;
- 10 (c) Reduce inappropriate incarceration;
- 11 (d) Reduce liability; and
- 12 (e) Improve risk management practices for firefighter and law enforcement
13 agencies.

14 (3) The CIT training shall include but not be limited to:

- 15 (a) An introduction to crisis intervention teams;
- 16 (b) Identification and recognition of the different types of mental illnesses,
17 substance use disorders, intellectual disabilities, developmental disabilities,
18 and dual diagnoses;
- 19 (c) Interviewing and assessing a person who may have a mental illness, substance
20 use disorder, intellectual disability, developmental disability, or dual
21 diagnosis;
- 22 (d) Identification and common effects of psychotropic medications;
- 23 (e) Suicide prevention techniques;
- 24 (f) Community resources and options for treatment;
- 25 (g) Voluntary and involuntary processes for hospitalization of a person with a
26 mental illness, substance use disorder, intellectual disability, developmental
27 disability, or dual diagnosis; and

- 1 (h) Hostage or other negotiations with a person with a mental illness, intellectual
2 disability, substance use disorder, developmental disability, or dual diagnosis.
- 3 (4) The curriculum shall be presented by a team composed of, at a minimum:
- 4 (a) A firefighter, firefighter personnel training instructor, or a law enforcement
5 training instructor who has completed a forty (40) hour CIT training course
6 and a CIT training instructor's course which has been approved by the
7 commission or the Kentucky Law Enforcement Council, and at least forty
8 (40) hours of direct experience working with a CIT;
- 9 (b) A representative from the local community board for mental health or
10 individuals with an intellectual disability serving the region where CIT
11 training is conducted;
- 12 (c) A consumer of mental health services; and
- 13 (d) A representative of the Kentucky statewide affiliate of the National Alliance
14 on Mental Illness.
- 15 (5) (a) The department shall submit the CIT training curriculum and the names of
16 available instructors approved by the department to conduct or assist in the
17 delivery of CIT training to the commission or Kentucky Law Enforcement
18 Council no later than July 1, 2021.
- 19 (b) The commission or Kentucky Law Enforcement Council shall notify the
20 department of approval or disapproval of the CIT training curriculum and
21 trainers within thirty (30) days of submission of the curriculum and the names
22 of instructors.
- 23 (c) The commission or Kentucky Law Enforcement Council may waive instructor
24 requirements for non-firefighter trainers or non-law enforcement trainers
25 whose names are submitted by the department.
- 26 (d) If the curriculum or trainers are not approved, the department shall have an
27 opportunity to revise and resubmit the curriculum and to submit additional

- 1 names of instructors if necessary.
- 2 (6) If the curriculum is approved, the commission or Kentucky Law Enforcement
3 Council shall:
- 4 (a) Notify all agencies employing firefighters, as defined in KRS 61.315(1)(b), of
5 the availability of the CIT training;
- 6 (b) Notify the Department of Kentucky State Police and all law enforcement
7 agencies employing peace officers certified under KRS 15.380 to 15.404 of
8 the availability of the CIT training; and
- 9 (c) Notify all instructors and entities approved for firefighter or law enforcement
10 training under KRS 15.330 and 95A.040 of the availability of the CIT
11 training.
- 12 (7) Any firefighter training entity or law enforcement training entity approved by the
13 commission or Kentucky Law Enforcement Council may use the CIT training
14 model and curriculum in firefighter or law enforcement in-service training as
15 specified by subsection (1) of this section that is consistent with the Memphis CIT
16 national model for best practices.
- 17 (8) No later than one (1) year after June 26, 2021, the department shall submit to the
18 commission and Kentucky Law Enforcement Council a CIT training instructors'
19 curriculum and the names of available instructors approved by the department to
20 conduct or assist in the delivery of CIT training instructors' training. Additional
21 instructors may be submitted on a schedule determined by the commission or
22 Kentucky Law Enforcement Council.
- 23 (9) All CIT-trained firefighters and law enforcement officers shall report to his or her
24 agency on forms provided with the CIT curriculum on encounters with persons with
25 mental illness, substance use disorders, intellectual disabilities, developmental
26 disabilities, and dual diagnoses. The firefighter and law enforcement agencies shall
27 aggregate reports received and submit nonidentifying information to the department

1 on a monthly basis. Except for information pertaining to the number of firefighter
2 or law enforcement agencies participating in CIT training, the reports to the
3 department shall include the information specified in subsection (10) of this section.

4 (10) The department shall aggregate all reports from firefighter or law enforcement
5 agencies under subsection (9) of this section and submit nonidentifying statewide
6 information to the Justice and Public Safety Cabinet, the Criminal Justice Council,
7 the Cabinet for Health and Family Services, and the Interim Joint Committee on
8 Health, Welfare, and Family Services~~[and Welfare]~~ by December 1, 2008, and
9 annually thereafter. The report shall include but not be limited to:

- 10 (a) The number of firefighters or law enforcement officers trained per agency;
- 11 (b) Firefighter or law enforcement responses to persons with mental illness,
12 substance use disorders, intellectual disabilities, developmental disabilities,
13 and dual diagnoses;
- 14 (c) Incidents of harm to the firefighter or law enforcement officer or to the
15 citizen;
- 16 (d) The number of times physical force was required and the type of physical
17 force used; and
- 18 (e) The outcome of the encounters that may include but not be limited to
19 incarceration or hospitalization.

20 (11) To implement the requirements of subsections (2) to (5) and (8) to (10) of this
21 section, the department may use public or private funds as available and may
22 develop a contract with a nonprofit entity that is a Kentucky statewide mental
23 health advocacy organization that has a minimum of five (5) years of experience in
24 implementation of the CIT training program in Kentucky.

25 (12) The Cabinet for Health and Family Services shall create a telephonic behavioral
26 health jail triage system to screen prisoners for mental health risk issues, including
27 suicide risk. The triage system shall be designed to give the facility receiving and

1 housing the prisoner an assessment of his or her mental health risk, with the
2 assessment corresponding to recommended protocols for housing, supervision, and
3 care which are designed to mitigate the mental health risks identified by the system.

4 The triage system shall consist of:

5 (a) A screening instrument which the personnel of a facility receiving a prisoner
6 shall utilize to assess inmates for mental health, suicide, intellectual
7 disabilities, and acquired brain injury risk factors; and

8 (b) A continuously available toll-free telephonic triage hotline staffed by a
9 qualified mental health professional which the screening personnel may
10 utilize if the screening instrument indicates an increased mental health risk for
11 the assessed prisoner.

12 (13) In creating and maintaining the telephonic behavioral health jail triage system, the
13 cabinet shall consult with:

14 (a) The Department of Corrections;

15 (b) The Kentucky Jailers Association; and

16 (c) The regional community services programs for mental health or individuals
17 with an intellectual disability created under KRS 210.370 to 210.460.

18 (14) The cabinet may delegate all or a portion of the operational responsibility for the
19 triage system to the regional community services programs for mental health or
20 individuals with an intellectual disability created under KRS 210.370 to 210.460 if
21 the regional program agrees and the cabinet remains responsible for the costs of
22 delegated functions.

23 (15) The cabinet shall design into the implemented triage system the ability to screen
24 and assess prisoners who communicate other than in English or who communicate
25 other than through voice.

26 (16) The cost of operating the telephonic behavioral health jail triage system shall be
27 borne by the cabinet.

1 (17) Records generated under this section shall be treated in the same manner and with
2 the same degree of confidentiality as other medical records of the prisoner.

3 (18) Unless the prisoner is provided with an attorney during the screening and
4 assessment, any statement made by the prisoner in the course of the screening or
5 assessment shall not be admissible in a criminal trial of the prisoner, unless the trial
6 is for a crime committed during the screening and assessment.

7 (19) The cabinet may, after consultation with those entities set out in subsection (13) of
8 this section, promulgate administrative regulations for the operation of the
9 telephonic behavioral health jail triage system and the establishment of its
10 recommended protocols for prisoner housing, supervision, and care.

11 ➔Section 80. KRS 210.366 is amended to read as follows:

12 (1) As used in this section:

13 (a) "Board" means the Kentucky Board of Social Work, Kentucky Board of
14 Licensure of Marriage and Family Therapists, Kentucky Board of Licensed
15 Professional Counselors, Kentucky Board of Licensure for Pastoral
16 Counselors, Kentucky Board of Alcohol and Drug Counselors, Kentucky
17 Board of Examiners of Psychology, and Kentucky Board of Licensure for
18 Occupational Therapy; and

19 (b) "Training program in suicide assessment, treatment, and management" means
20 an empirically supported training program approved by the boards that
21 contains suicide assessment including screening and referral, suicide
22 treatment, and suicide management. A board may approve a training program
23 that excludes one (1) of the elements if the element is inappropriate for the
24 profession in question or inappropriate for the level of licensure or
25 credentialing of that profession based on the profession's scope of practice. A
26 training program that includes only screening and referral elements shall be at
27 least three (3) hours in length. All other training programs approved under this

1 section shall be at least six (6) hours in length.

2 (2) Beginning January 1, 2015, each of the following professionals certified or licensed
3 under KRS Title XXVI shall, at least once every six (6) years, complete a training
4 program in suicide assessment, treatment, and management that is approved, in
5 administrative regulations, by the respective boards:

6 (a) A social worker, marriage and family therapist, professional counselor, or
7 pastoral counselor certified or licensed under KRS Chapter 335;

8 (b) An alcohol and drug counselor licensed or certified under KRS Chapter 309,
9 and an alcohol and drug peer support specialist registered under KRS Chapter
10 309;

11 (c) A psychologist licensed or certified under KRS Chapter 319; and

12 (d) An occupational therapist licensed under KRS Chapter 319A.

13 (3) (a) Except as provided in paragraph (b) of this subsection, a professional listed in
14 subsection (2) of this section must complete the first training required by this
15 section by July 2016.

16 (b) A professional listed in subsection (2) of this section applying for initial
17 licensure, registration, or certification on or after June 25, 2013, may delay
18 completion of the first training required by this section for six (6) years after
19 initial licensure, registration, or certification if he or she can demonstrate
20 successful completion of a six (6) hour academic training program in suicide
21 assessment, treatment, and management that:

22 1. Was completed no more than six (6) years prior to the application for
23 initial licensure, registration, or certification; and

24 2. Is listed on the best practices registry of the American Foundation for
25 Suicide Prevention and the Suicide Prevention Resource Center.

26 (4) The hours spent completing a training program in suicide assessment, treatment,
27 and management under this section count toward meeting any applicable continuing

1 education requirements for each profession.

2 (5) A board may, by administrative regulation, specify minimum training and
3 experience that is sufficient to exempt a professional from the training requirements
4 in subsection (2) of this section.

5 (6) (a) The cabinet shall develop a model list of training programs in suicide
6 assessment, treatment, and management.

7 (b) When developing the model list, the cabinet shall:

8 1. Consider suicide assessment, treatment, and management training
9 programs of at least six (6) hours in length listed on the best practices
10 registry of the American Foundation for Suicide Prevention and the
11 Suicide Prevention Resource Center; and

12 2. Consult with the boards, public and private institutions of higher
13 education, experts in suicide assessment, treatment, and management,
14 and affected professional associations.

15 (c) The cabinet shall report the model list of training programs to the Interim
16 Joint Committee on Health, Welfare, and Family Services~~[-and Welfare]~~ no
17 later than December 15, 2014.

18 (7) Nothing in this section may be interpreted to expand or limit the scope of practice
19 of any profession regulated under KRS Title XXVI.

20 (8) The cabinet and the boards affected by this section shall adopt any administrative
21 regulations necessary to implement this section.

22 ➔Section 81. KRS 211.027 is amended to read as follows:

23 The Cabinet for Health and Family Services shall promulgate reasonable rules and
24 regulations to effectuate the purposes of KRS 213.101 and 213.106 and KRS 311.710 to
25 311.810, which shall be submitted to the Legislative Research Commission in a manner
26 prescribed in KRS Chapter 13A; the Legislative Research Commission shall refer said
27 rules and regulations to the Interim Committee on Health, Welfare, and Family Services~~[-and Welfare]~~

1 ~~and Welfare~~ for the purpose of approval or disapproval.

2 ➔Section 82. KRS 214.034 is amended to read as follows:

3 Except as otherwise provided in KRS 214.036:

- 4 (1) All parents, guardians, and other persons having care, custody, or control of any
5 child shall have the child immunized against diphtheria, tetanus, poliomyelitis,
6 pertussis, measles, rubella, mumps, hepatitis B, and haemophilis influenzae disease
7 in accordance with testing and immunization schedules established by regulations
8 of the Cabinet for Health and Family Services. Additional immunizations may be
9 required by the Cabinet for Health and Family Services through the promulgation of
10 an administrative regulation pursuant to KRS Chapter 13A if recommended by the
11 United States Public Health Service or the American Academy of Pediatrics. All
12 parents, guardians, and other persons having care, custody, or control of any child
13 shall also have any child found to be infected with tuberculosis examined and
14 treated according to administrative regulations of the Cabinet for Health and Family
15 Services promulgated under KRS Chapter 13A. The persons shall also have booster
16 immunizations administered to the child in accordance with the regulations of the
17 Cabinet for Health and Family Services.
- 18 (2) A local health department may, with the approval of the Department ~~for~~ Public
19 Health, require all first-time enrollees in a public or private school within the health
20 department's jurisdiction to be tested for tuberculosis prior to entering school.
21 Following the first year of school, upon an epidemiological determination made by
22 the state or local health officer in accordance with administrative regulations
23 promulgated by the Cabinet for Health and Family Services, all parents, guardians,
24 and other persons having care, custody, or control of any child shall have the child
25 tested for tuberculosis, and shall have any child found to be infected with
26 tuberculosis examined and treated according to administrative regulations of the
27 Cabinet for Health and Family Services. Nothing in this section shall be construed

1 to require the testing for tuberculosis of any child whose parent or guardian is
2 opposed to such testing, and who objects by a written sworn statement to the testing
3 for tuberculosis of the child on religious grounds. However, in a suspected case of
4 tuberculosis, a local health department may require testing of this child.

5 (3) All public or private primary or secondary schools, and preschool programs shall
6 require a current immunization certificate for any child enrolled as a regular
7 attendee, as provided by administrative regulation of the Cabinet for Health and
8 Family Services, promulgated under KRS Chapter 13A, to be on file within two (2)
9 weeks of the child's attendance.

10 (4) All public or private primary schools shall require a current immunization
11 certificate for hepatitis B for any child enrolled as a regular attendee in the sixth
12 grade, as provided by administrative regulation of the Cabinet for Health and
13 Family Services, promulgated under KRS Chapter 13A, to be on file within two (2)
14 weeks of the child's attendance.

15 (5) For each child cared for in a day-care center, certified family child-care home, or
16 any other licensed facility which cares for children, a current immunization
17 certificate, as provided by administrative regulation of the Cabinet for Health and
18 Family Services, promulgated under KRS Chapter 13A, shall be on file in the
19 center, home, or facility within thirty (30) days of entrance into the program or
20 admission to the facility.

21 (6) Any forms relating to exemption from immunization requirements shall be
22 available at public or private primary or secondary schools, preschool programs,
23 day-care centers, certified family child-care homes, or other licensed facilities
24 which care for children.

25 ➔Section 83. KRS 214.187 is amended to read as follows:

26 (1) The Department for Public Health shall develop a statewide education, awareness,
27 and information program on hepatitis C. The hepatitis C education, awareness, and

1 information program may be incorporated into other existing health education
2 programs. The Department for Public Health may make available on its Internet
3 website~~[Web-site]~~ protocols, guidelines, and materials for hepatitis C education,
4 awareness, and information programs that increase the understanding of the disease
5 among general and high-risk populations.

6 (2) The hepatitis C education, awareness, and information program may include
7 material to specifically address individuals who may be at high risk of infection,
8 including but not limited to law enforcement officials, corrections personnel,
9 prisoners, veterans, individuals who received blood transfusions prior to 1992,
10 hemophiliacs, students, and minority communities. The program may utilize
11 education materials developed by health-related companies and community-based
12 or national advocacy organizations. The program may include but not be limited to
13 counseling, patient support groups, and existing hotlines for consumers.

14 (3) In developing the hepatitis C education, awareness, and information program, the
15 department shall consult the University of Kentucky College of Medicine, the
16 University of Louisville School of Medicine, the University of Pikeville-Kentucky
17 College~~[Pikeville College School]~~ of Osteopathic Medicine, the American Liver
18 Foundation, the Centers for Disease Control and Prevention, and any other
19 scientific, medical, or advocacy organizations to develop the protocols and
20 guidelines for the hepatitis C education, awareness, and information program. The
21 protocols and guidelines may include but are not limited to the following:

- 22 (a) The risk factors associated with hepatitis C acquisition and transmission;
- 23 (b) The most recent scientific and medical information on hepatitis C prevention,
24 detection, diagnosis, treatment, and therapeutic decision making;
- 25 (c) Tracking and reporting of acute cases of hepatitis C by public health officials;
- 26 (d) Protocols for public safety and health care workers who come in contact with
27 hepatitis C patients; and

- 1 (e) Surveillance programs to determine the prevalence of hepatitis C in ethnic and
2 other high-risk populations.
- 3 (4) The Department for Public Health may coordinate with the Department of Veterans'
4 Affairs and the Department of Corrections to establish specific recommendations
5 for the hepatitis C education, awareness, and information program. The protocols
6 and guidelines established by the Department for Public Health, the Department of
7 Corrections, and the Department of Veterans' Affairs may include topics specified
8 in subsection (3) of this section and may include but are not limited to protocols
9 within state agencies to enable departments to provide appropriate treatment for
10 individuals with hepatitis C, protocols for the education of state agency officials
11 and other employees who work with individuals with hepatitis C, and protocols
12 within the Department of Corrections to provide written hepatitis C information to
13 prisoners on the date of their probation, parole, or release.
- 14 (5) The Department for Public Health shall make information on the hepatitis C
15 education, awareness, and information program available upon request.
- 16 ➔Section 84. KRS 214.556 is amended to read as follows:
- 17 (1) There is hereby established within the Kentucky cancer program the Kentucky
18 Cancer Registry and the cancer patient data management system for the purpose of
19 providing accurate and up-to-date information about cancer in Kentucky and
20 facilitating the evaluation and improvement of cancer prevention, screening,
21 diagnosis, therapy, rehabilitation, and community care activities for citizens of the
22 Commonwealth. The cancer patient data management system shall be administered
23 by the Lucille Parker Markey Cancer Center.
- 24 (2) Each licensed health facility which provides diagnostic services, or diagnostic
25 services and treatment, or treatment to cancer patients shall report to the Kentucky
26 Cancer Registry, through the cancer patient data management system and in a
27 format prescribed by the Kentucky Cancer Registry, each case of cancer seen at that

- 1 health facility. Failure to comply may be cause for assessment of an administrative
2 fine for the health facility, the same as for violation of KRS 216B.250.
- 3 (3) Each health facility shall grant to the cancer registry access to all records which
4 would identify cases of cancer or would establish characteristics of the cancer,
5 treatment of the cancer, or status of any identified cancer patient. Hospitals actively
6 participating and enrolled in the cancer patient data management system of the
7 Kentucky Cancer Program as of July 13, 1990, shall be considered to be in
8 compliance with this section. The Lucille Parker Markey Cancer Center shall
9 provide staff assistance in compiling and reporting required information to hospitals
10 which treat a low volume of patients.
- 11 (4) No liability of any kind or character for damages or other relief shall arise or be
12 enforced against any licensed health facility by reason of having provided the
13 information or material to the Kentucky Cancer Registry pursuant to the
14 requirements of this section.
- 15 (5) The identity of any person whose condition or treatment has been reported to the
16 Kentucky Cancer Registry shall be confidential, except that:
- 17 (a) The Kentucky Cancer Registry may exchange patient-specific data with any
18 other cancer control agency or clinical facility for the purpose of obtaining
19 information necessary to complete a case record, but the agency or clinical
20 facility shall not further disclose such personal data; and
- 21 (b) The Kentucky Cancer Registry may contact individual patients if necessary to
22 obtain follow-up information which is not available from the health facility.
- 23 (6) All information, interviews, reports, statements, memoranda, or other data furnished
24 by reason of this section, expressly including all portions, subsets, extracts, or
25 compilations of the data as well as any findings or conclusions resulting from those
26 studies, shall be privileged and shall not be considered public records under KRS
27 61.870 to 61.884. The Kentucky Cancer Registry may determine that certain

1 extracts, subsets, or compilations of data do not reveal privileged information and
2 may be published or otherwise shared to further the public health goals set forth
3 herein.

4 (7) The Kentucky Cancer Registry shall make periodic reports of its data and any
5 related findings and recommendations to the Legislative Research Commission, the
6 Interim Joint Committees on Appropriations and Revenue and on Health, Welfare,
7 and Family Services~~[- and Welfare]~~, the Governor, the Cabinet for Health and
8 Family Services, the reporting health facility, and other appropriate governmental
9 and nongovernmental cancer control agencies whose intent it is to reduce the
10 incidence, morbidity, and mortality of cancer. The Kentucky Cancer Registry may
11 conduct analyses and studies as are indicated to advance cancer control in the
12 Commonwealth, either directly or by confidentially sharing data with third parties.

13 ➔Section 85. KRS 214.640 is amended to read as follows:

14 (1) The Cabinet for Health and Family Services may create, to the extent permitted by
15 available staffing and funding, an HIV and AIDS Planning and Advisory Council to
16 consist of no more than thirty (30) members, for the purpose of advising the cabinet
17 on the formulation of HIV and AIDS policy. Membership on the committee shall be
18 drawn from the following:

- 19 (a) The commissioner of the Department for Public Health;
- 20 (b) The commissioner of the Department for Medicaid Services;
- 21 (c) Representatives of other state agencies or boards that provide services to
22 clients of HIV or AIDS services or that provide education to professionals
23 who come into contact with HIV or AIDS clients, as designated by the
24 Governor;
- 25 (d) Physicians representing different geographic regions of the state;
- 26 (e) HIV or AIDS clients; and
- 27 (f) Representatives of community-based organizations from different geographic

1 regions of the state.

2 To the extent possible, membership of the council shall reflect the epidemiology of
3 the HIV/AIDS epidemic.

4 (2) The members designated under paragraphs (a) to (c) of subsection (1) of this
5 section shall serve for the duration of service in their offices, subject to removal for
6 cause by the Governor. These members shall not be paid for attending council
7 meetings but may receive reimbursement of expenses.

8 (3) The members serving under paragraphs (d) to (f) of subsection (1) of this section
9 shall be appointed by the cabinet from lists submitted by the appropriate licensing
10 entities of the profession involved, by the cabinet, and by community-based
11 organizations. These members shall serve for a term of four (4) years and may be
12 reappointed, but the members shall not serve for more than two (2) consecutive
13 terms.

14 (4) The chair of the council shall be elected from the membership serving under
15 paragraphs (d) to (f) of subsection (1) of this section.

16 (5) The functions of the council shall include but shall not be limited to:

17 (a) Reporting its findings to the cabinet and monitoring the responsiveness of the
18 cabinet to insure that the council's recommendations are being followed;

19 (b) Exploring the feasibility, design, cost, and necessary funding for centers of
20 excellence to deliver comprehensive, coordinated medical and related care to
21 all people with HIV or AIDS in the Commonwealth based on national clinical
22 guidelines and practice standards. Coordinated medical care shall include but
23 not be limited to access to:

24 1. AIDS primary care;

25 2. Drug therapy;

26 3. Specialists' care, including psychiatric and other mental health
27 providers;

- 1 4. Case management services;
- 2 5. Dental care;
- 3 6. Chemical dependency treatment; and
- 4 7. Basic needs, including but not limited to housing and food;
- 5 (c) Assessing resources and gaps in services provided for persons with HIV or
- 6 AIDS;
- 7 (d) Subdividing into necessary subcommittees. One (1) subcommittee may be
- 8 formed that will consist solely of persons living with HIV or AIDS. This
- 9 subcommittee shall make those recommendations as it deems necessary to the
- 10 council, including recommendations on effective peer-based prevention
- 11 programs; and
- 12 (e) Reporting its findings and recommendations to the General Assembly and the
- 13 Interim Joint Committee on Health, Welfare, and Family Services ~~and~~
- 14 ~~Welfare~~ by September 1, 2001, and by September 1 of each year thereafter.

15 ➔Section 86. KRS 214.645 is amended to read as follows:

- 16 (1) The Cabinet for Health and Family Services shall establish a system for reporting,
- 17 by the use of the person's name, of all persons who test positive for the human
- 18 immunodeficiency virus (HIV) infection. The reporting shall include the data
- 19 including, but not limited to, CD4 count and viral load, and other information that
- 20 are necessary to comply with the confidentiality and reporting requirements of the
- 21 most recent edition of the Centers for Disease Control and Prevention's (CDC)
- 22 Guidelines for National Human Immunodeficiency Virus Case Surveillance.
- 23 Anonymous testing shall remain as an alternative. If less restrictive data identifying
- 24 requirements are identified by the CDC, the cabinet shall evaluate the new
- 25 requirements for implementation.
- 26 (2) The reporting system established under subsection (1) of this section shall:
- 27 (a) Use the same confidential name-based approach for HIV surveillance that is

- 1 used for AIDS surveillance by the cabinet;
- 2 (b) Attempt to identify all modes of HIV transmission, unusual clinical or
3 virologic manifestations, and other cases of public health importance;
- 4 (c) Require collection of the names and data from all private and public sources
5 of HIV-related testing and care services; and
- 6 (d) Use reporting methods that match the CDC's standards for completeness,
7 timeliness, and accuracy, and follow up, as necessary, with the health care
8 provider or the provider's designee making the report to verify completeness,
9 timeliness, and accuracy.
- 10 (3) Authorized surveillance staff designated by the cabinet shall:
- 11 (a) Match the information from the reporting system to other public health
12 databases, wherever possible, to limit duplication and to better quantify the
13 extent of HIV infection in the Commonwealth;
- 14 (b) Conduct a biennial assessment of the HIV and AIDS reporting systems, insure
15 that the assessment is available for review by the public and any state or
16 federal agency, and forward a copy of the assessment to the Legislative
17 Research Commission and the Interim Joint Committee on Health, Welfare,
18 and Family Services~~[and Welfare]~~;
- 19 (c) Document the security policies and procedures and insure their availability for
20 review by the public or any state or federal agency;
- 21 (d) Minimize storage and retention of unnecessary paper or electronic reports and
22 ensure~~[insure]~~ that related policies are consistent with CDC technical
23 guidelines;
- 24 (e) Assure that electronic transfer of data is protected by encryption during
25 transfer;
- 26 (f) Provide that records be stored in a physically secluded area and protected by
27 coded passwords and computer encryption;

- 1 (g) Restrict access to data a minimum number of authorized surveillance staff
2 who are designated by a responsible authorizing official, who have been
3 trained in confidentiality procedures, and who are aware of penalties for
4 unauthorized disclosure of surveillance information;
- 5 (h) Require that any other public health program that receives data has
6 appropriate security and confidentiality protections and penalties;
- 7 (i) Restrict use of data, from which identifying information has been removed, to
8 cabinet-approved research, and require all persons with this use to sign
9 confidentiality statements;
- 10 (j) Prohibit release of any names or any other identifying information that may
11 have been received in a report to any person or organization, whether public
12 or private, except in compliance with federal law or consultations with other
13 state surveillance programs and reporting sources. Under no circumstances
14 shall a name or any identifying information be reported to the CDC; and
- 15 (k) Immediately investigate any report of breach of reporting, surveillance, or
16 confidentiality policy, report the breach to the CDC, develop
17 recommendations for improvements in security measure, and take appropriate
18 disciplinary action for any documented breach.
- 19 (4) The cabinet shall require any physician, advanced practice registered nurse,
20 designee, or medical laboratory that receives a report of a positive test for the
21 human immunodeficiency virus to report that information by reference to the name
22 in accordance with the procedure for establishing name reporting required by the
23 cabinet in an administrative regulation.
- 24 ➔Section 87. KRS 216.2929 is amended to read as follows:
- 25 (1) (a) The Cabinet for Health and Family Services shall make available on its
26 website~~[Web site]~~ information on charges for health-care services at least
27 annually in understandable language with sufficient explanation to allow

1 consumers to draw meaningful comparisons between every hospital and
2 ambulatory facility, differentiated by payor if relevant, and for other provider
3 groups as relevant data becomes available.

4 (b) Any charge information compiled and reported by the cabinet shall include
5 the median charge and other percentiles to describe the typical charges for all
6 of the patients treated by a provider and the total number of patients
7 represented by all charges, and shall be risk-adjusted.

8 (c) The report shall clearly identify the sources of data used in the report and
9 explain limitations of the data and why differences between provider charges
10 may be misleading. Every provider that is specifically identified in any report
11 shall be given thirty (30) days to verify the accuracy of its data prior to public
12 release and shall be afforded the opportunity to submit comments on its data
13 that shall be included on the website~~[Web site]~~ and as part of any printed
14 report of the data.

15 (d) The cabinet shall only provide linkages to organizations that publicly report
16 comparative-charge data for Kentucky providers using data for all patients
17 treated regardless of payor source, which may be adjusted for outliers, is risk-
18 adjusted, and meets the requirements of paragraph (c) of this subsection.

19 (2) (a) The cabinet shall make information available on its website~~[Web site]~~ at least
20 annually describing quality and outcome measures in understandable language
21 with sufficient explanations to allow consumers to draw meaningful
22 comparisons between every hospital and ambulatory facility in the
23 Commonwealth and other provider groups as relevant data becomes available.

24 (b) 1. The cabinet shall utilize only national quality indicators that have been
25 endorsed and adopted by the Agency for Healthcare Research and
26 Quality, the National Quality Forum, or the Centers for Medicare and
27 Medicaid Services; or

- 1 2. The cabinet shall provide linkages only to the following organizations
2 that publicly report quality and outcome measures on Kentucky
3 providers:
- 4 a. The Centers for Medicare and Medicaid Services;
5 b. The Agency for Healthcare Research and Quality;
6 c. The Joint Commission; and
7 d. Other organizations that publicly report relevant outcome data for
8 Kentucky providers.
- 9 (c) The cabinet shall utilize or refer the general public to only those nationally
10 endorsed quality indicators that are based upon current scientific evidence or
11 relevant national professional consensus and have definitions and calculation
12 methods openly available to the general public at no charge.
- 13 (3) Any report the cabinet disseminates or refers the public to shall:
- 14 (a) Not include data for a provider whose caseload of patients is insufficient to
15 make the data a reliable indicator of the provider's performance;
- 16 (b) Meet the requirements of subsection (1)(c) of this section;
- 17 (c) Clearly identify the sources of data used in the report and explain the
18 analytical methods used in preparing the data included in the report; and
- 19 (d) Explain any limitations of the data and how the data should be used by
20 consumers.
- 21 (4) The cabinet shall report at least biennially, no later than October 1 of each odd-
22 numbered year, on the special health needs of the minority population in the
23 Commonwealth as compared to the population in the Commonwealth as compared
24 to the population at large. The report shall contain an overview of the health status
25 of minority Kentuckians, shall identify the diseases and conditions experienced at
26 disproportionate mortality and morbidity rates within the minority population, and
27 shall make recommendations to meet the identified health needs of the minority

1 population.

2 (5) The report required under subsection (4) of this section shall be submitted to the
3 Interim Joint Committees on Appropriations and Revenue and Health, Welfare, and
4 Family Services~~[and Welfare]~~ and to the Governor.

5 ➔Section 88. KRS 216.2950 is amended to read as follows:

6 (1) Except as otherwise provided in KRS 205.510 to 205.648~~[205.630]~~, no provider
7 shall knowingly solicit, receive, or offer any remuneration (including any kickback,
8 bribe, or rebate) for furnishing medical assistance benefits or in return for
9 purchasing, leasing, ordering, or arranging for or recommending purchasing,
10 leasing, or ordering any goods, facility, service, or item for which payment may be
11 received from Medicare or Medicaid.

12 (2) (a) No provider shall knowingly make, offer, or receive a payment, a rebate of a
13 fee, or a charge for referring a patient to another provider for furnishing of
14 Medicare or Medicaid benefits.

15 (b) Any conduct or activity which does not violate or which is protected under the
16 provisions of 42 U.S.C. sec. 1395nn or 42 U.S.C. sec. 1320A-7B(b), as
17 amended, or federal regulations promulgated under those statutes, shall not be
18 deemed to violate the provisions of this section and the conduct or activity
19 shall be accorded the same protections allowed under federal law and
20 regulation. Any conduct of activity by any provider which violates the
21 provisions of 42 U.S.C. sec. 1395nn or 42 U.S.C. sec. 1320A-7B(b), as
22 amended, where Medicare and Medicaid payment is involved, shall be
23 deemed to violate the provisions of this section.

24 (3) Any person who violates subsection (1) or (2) of this section shall be guilty of a
25 Class A misdemeanor unless the combination or aggregation of offenses is valued
26 at three hundred dollars (\$300) or more, in which case it shall be a Class D felony.
27 In addition to any other penalty authorized by law, any person who violates the

1 provisions of subsection (2)(a) of this section shall not be entitled to bill or collect
2 from the patient or any third-party payor and shall repay any payments due the
3 Commonwealth for services provided which were related to the referral.

4 ➔Section 89. KRS 216A.040 is amended to read as follows:

5 There shall be a Kentucky Board of Licensure for Long-term Care Administrators located
6 within the Public Protection Cabinet for administrative and budgetary purposes. The
7 board shall be composed of ten (10) members. The secretary of the Cabinet for Health
8 and Family Services, or his or her designee, shall be an ex officio member of the board.
9 The other members of the board shall be appointed by the Governor. One (1) member
10 shall be a practicing hospital administrator, to be appointed from a list of two (2) names
11 submitted by the Kentucky Hospital Association. One (1) member shall be a practicing
12 medical physician, to be appointed from a list of two (2) names submitted by the
13 Kentucky~~[State]~~ Medical Association. One (1) member shall be an educator in the field
14 of allied health services. One (1) member shall be a citizen at large who is not associated
15 with or financially interested in the practice or business regulated. One (1) member shall
16 be a practicing long-term care administrator appointed from a list of two (2) names
17 submitted by LeadingAge Kentucky. The other four (4) members shall be practicing
18 long-term care administrators appointed from a list of two (2) names for each vacancy
19 submitted by the Kentucky Association of Health Care Facilities and duly licensed under
20 this chapter. No person who has been disciplined in the previous five (5) years by the
21 board, or by another state's board of licensure governing the same profession, shall be
22 appointed to the board.

23 ➔Section 90. KRS 216B.0445 is amended to read as follows:

24 (1) Notwithstanding any other provision of law to the contrary, if the ***Centers for***
25 ***Medicare and Medicaid Services issue***~~[Federal Health Care Financing~~
26 ~~Administration issues]~~ a final regulation establishing an outpatient Medicare
27 prospective payment system for hospitals that requires that an outpatient health

1 facility operated by the hospital be under the same license as the hospital to achieve
2 provider-based status, the cabinet shall, at the hospital's request, issue a new license
3 to a hospital that owns and operates an existing or newly established outpatient
4 health facility that lists each location operated by the hospital.

5 (2) Any outpatient health facility listed on the hospital's license under subsection (1) of
6 this section shall:

7 (a) Comply with the applicable licensure regulations that pertain to the type of
8 health services provided; and

9 (b) Prior to the establishment of a health facility, the operation of a health facility,
10 or the provision of health services or the addition of a health service at a
11 location other than the hospital's main campus, obtain a certificate of need if a
12 certificate of need would otherwise be required in the absence of subsection
13 (1) of this section. Licensure of the outpatient health facility or service under
14 the same license as the hospital pursuant to subsection (1) of this section shall
15 not eliminate the requirement for a certificate of need.

16 ➔Section 91. KRS 216B.457 is amended to read as follows:

17 (1) A certificate of need shall be required for all Level II psychiatric residential
18 treatment facilities. The need criteria for the establishment of Level II psychiatric
19 residential treatment facilities shall be in the state health plan.

20 (2) An application for a certificate of need for Level II psychiatric residential treatment
21 facilities shall not exceed fifty (50) beds. Level II facility beds may be located in a
22 separate part of a psychiatric hospital, a separate part of an acute care hospital, or a
23 Level I psychiatric residential treatment facility if the Level II beds are located on a
24 separate floor, in a separate wing, or in a separate building. A Level II facility shall
25 not refuse to admit a patient who meets the medical necessity criteria and facility
26 criteria for Level II facility services. Nothing in this section and KRS 216B.450 and
27 216B.455 shall be interpreted to prevent a psychiatric residential treatment facility

- 1 from operating both a Level I psychiatric residential treatment facility and a Level
2 II psychiatric residential treatment facility.
- 3 (3) The application for a Level II psychiatric residential treatment facility certificate of
4 need shall include formal written agreements of cooperation that identify the nature
5 and extent of the proposed working relationship between the proposed Level II
6 psychiatric residential treatment facility and each of the following agencies,
7 organizations, or entities located in the service area of the proposed facility:
- 8 (a) Regional interagency council for children with emotional disability or severe
9 emotional disability created under KRS 200.509;
- 10 (b) Community board for mental health or individuals with an intellectual
11 disability established under KRS 210.380;
- 12 (c) Department for Community Based Services;
- 13 (d) Local school districts;
- 14 (e) At least one (1) psychiatric hospital; and
- 15 (f) Any other agency, organization, or entity deemed appropriate by the cabinet.
- 16 (4) The application for a certificate of need shall include:
- 17 (a) The specific number of beds proposed for each age group and the specific,
18 specialized program to be offered;
- 19 (b) An inventory of current services in the proposed service area; and
- 20 (c) Clear admission and discharge criteria, including age, sex, and other
21 limitations.
- 22 (5) All Level II psychiatric residential treatment facilities shall comply with the
23 licensure requirements as set forth in KRS 216B.105.
- 24 (6) All Level II psychiatric residential treatment facilities shall be certified by the Joint
25 Commission, the Council on Accreditation of Services for Families and Children,
26 or any other accrediting body with comparable standards that are recognized by the
27 Centers for Medicare and Medicaid Services.

- 1 (7) A Level II psychiatric residential treatment facility shall be under the clinical
2 supervision of a qualified mental health professional with training or experience in
3 mental health treatment of children and youth.
- 4 (8) Treatment services shall be provided by qualified mental health professionals or
5 qualified mental health personnel. Individual staff who will provide educational
6 programs shall meet the employment standards outlined by the Kentucky Board of
7 Education and the Education Professional Standards Board.
- 8 (9) A Level II psychiatric residential treatment facility shall meet the following
9 requirements with regard to professional staff:
- 10 (a) A licensed psychiatrist, who is board-eligible or board-certified as a child or
11 adult psychiatrist, shall be employed or contracted to meet the treatment needs
12 of the residents and the functions that shall be performed by a psychiatrist;
- 13 (b) If a Level II psychiatric residential treatment facility has residents ages twelve
14 (12) and under, the licensed psychiatrist shall be a board-eligible or board-
15 certified child psychiatrist; and
- 16 (c) The licensed psychiatrist shall be present in the facility to provide
17 professional services to the facility's residents at least weekly.
- 18 (10) A Level II psychiatric residential treatment facility shall:
- 19 (a) Prepare a written staffing plan that is tailored to meet the needs of the specific
20 population of children and youth that will be admitted to the facility based on
21 the facility's admission criteria. The written staffing plan shall include but not
22 be limited to the following:
- 23 1. Specification of the direct care per-patient staffing ratio that the facility
24 shall adhere to during waking hours and during sleeping hours;
- 25 2. Delineation of the number of direct care staff per patient, including the
26 types of staff and the mix and qualifications of qualified mental health
27 professionals and qualified mental health personnel, that shall provide

- 1 direct care and will comprise the facility's per-patient staffing ratio;
- 2 3. Specification of appropriate qualifications for individuals included in the
- 3 per-patient staffing ratio by job description, education, training, and
- 4 experience;
- 5 4. Provision for ensuring compliance with its written staffing plan, and
- 6 specification of the circumstances under which the facility may deviate
- 7 from the per-patient staffing ratio due to patient emergencies, changes in
- 8 patient acuity, or changes in patient census; and
- 9 5. Provision for submission of the written staffing plan to the cabinet for
- 10 approval as part of the facility's application for initial licensure.

11 No initial license to operate as a Level II psychiatric residential treatment

12 facility shall be granted until the cabinet has approved the facility's written

13 staffing plan. Once a facility is licensed, it shall comply with its approved

14 written staffing plan and, if the facility desires to change its approved per-

15 patient staffing ratio, it shall submit a revised plan and have the plan approved

16 by the cabinet prior to implementation of the change;

17 (b) Require full-time professional and direct care staff to meet the continuing

18 education requirements of their profession or be provided with forty (40)

19 hours per year of in-service training; and

20 (c) Develop and implement a training plan for all staff that includes but is not

21 limited to the following:

- 22 1. Behavior-management procedures and techniques;
- 23 2. Physical-management procedures and techniques;
- 24 3. First aid;
- 25 4. Cardiopulmonary resuscitation;
- 26 5. Infection-control procedures;
- 27 6. Child and adolescent growth and development;

- 1 7. Training specific to the specialized nature of the facility;
- 2 8. Emergency and safety procedures; and
- 3 9. Detection and reporting of child abuse and neglect.

4 (11) A Level II psychiatric residential treatment facility shall require a criminal records
5 check to be completed on all employees and volunteers. The employment or
6 volunteer services of an individual shall be governed by KRS 17.165, with regard to
7 a criminal records check. A new criminal records check shall be completed at least
8 every two (2) years on each employee or volunteer.

9 (12) (a) Any employee or volunteer who has committed or is charged with the
10 commission of a violent offense as specified in KRS 439.3401, a sex crime
11 specified in KRS 17.500, or a criminal offense against a victim who is a minor
12 as specified in KRS 17.500 shall be immediately removed from contact with a
13 child within the residential treatment center until the employee or volunteer is
14 cleared of the charge.

15 (b) An employee or volunteer under indictment, legally charged with felonious
16 conduct, or subject to a cabinet investigation shall be immediately removed
17 from contact with a child.

18 (c) The employee or volunteer shall not be allowed to work with the child until a
19 prevention plan has been written and approved by the cabinet, the person is
20 cleared of the charge, or a cabinet investigation reveals an unsubstantiated
21 finding, if the charge resulted from an allegation of child abuse, neglect, or
22 exploitation.

23 (d) Each employee or volunteer shall submit to a check of the central registry. An
24 individual listed on the central registry shall not be a volunteer at or be
25 employed by a Level II psychiatric residential treatment facility.

26 (e) Any employee or volunteer removed from contact with a child pursuant to this
27 subsection may, at the discretion of the employer, be terminated, reassigned to

1 a position involving no contact with a child, or placed on administrative leave
2 with pay during the pendency of the investigation or proceeding.

3 (13) An initial treatment plan of care shall be developed and implemented for each
4 resident, and the plan of care shall be based on initial history and ongoing
5 assessment of the resident's needs and strengths, with an emphasis on active
6 treatment, transition planning, and after-care services, and shall be completed
7 within seventy-two (72) hours of admission.

8 (14) A comprehensive treatment plan of care shall be developed and implemented for
9 each resident, and the plan of care shall be based on initial history and ongoing
10 assessment of the resident's needs and strengths, with an emphasis on active
11 treatment, transition planning, and after-care services, and shall be completed
12 within ten (10) calendar days of admission.

13 (15) A review of the treatment plan of care shall occur at least every thirty (30) days
14 following the first ten (10) days of treatment and shall include the following
15 documentation:

16 (a) Dated signatures of appropriate staff, parent, guardian, legal custodian, or
17 conservator;

18 (b) An assessment of progress toward each treatment goal and objective with
19 revisions as indicated; and

20 (c) A statement of justification for the level of services needed, including
21 suitability for treatment in a less-restrictive environment and continued
22 services.

23 (16) A Level II psychiatric residential treatment facility shall provide or arrange for the
24 provision of qualified dental, medical, nursing, and pharmaceutical care for
25 residents. The resident's parent, guardian, legal custodian, or conservator may
26 choose a professional for nonemergency services.

27 (17) A Level II psychiatric residential treatment facility shall ensure that opportunities

1 are provided for recreational activities that are appropriate and adapted to the needs,
2 interests, and ages of the residents.

3 (18) A Level II psychiatric residential treatment facility shall assist residents in the
4 independent exercise of health, hygiene, and grooming practices.

5 (19) A Level II psychiatric residential treatment facility shall assist each resident in
6 securing an adequate allowance of personally owned, individualized, clean, and
7 seasonal clothes that are the correct size.

8 (20) A Level II psychiatric residential treatment facility shall assist, educate, and
9 encourage each resident in the use of dental, physical, or prosthetic appliances or
10 devices and visual or hearing aids.

11 (21) The cabinet shall promulgate administrative regulations that include but are not
12 limited to the following:

13 (a) Establishing requirements for tuberculosis skin testing for staff of a Level II
14 psychiatric residential treatment facility;

15 (b) Ensuring that accurate, timely, and complete resident assessments are
16 conducted for each resident of a Level II psychiatric residential treatment
17 facility;

18 (c) Ensuring that accurate, timely, and complete documentation of the
19 implementation of a resident's treatment plan of care occurs for each resident
20 of a Level II psychiatric residential treatment facility;

21 (d) Ensuring that an accurate, timely, and complete individual record is
22 maintained for each resident of a Level II psychiatric residential treatment
23 facility;

24 (e) Ensuring that an accurate, timely, and complete physical examination is
25 conducted for each resident of a Level II psychiatric residential treatment
26 facility;

27 (f) Ensuring accurate, timely, and complete access to emergency services is

1 available for each resident of a Level II psychiatric residential treatment
2 facility; and

3 (g) Ensuring that there is accurate, timely, and complete administration of
4 medications for each resident of a Level II psychiatric residential treatment
5 facility.

6 (22) The cabinet shall, within ninety (90) days of July 15, 2010, promulgate
7 administrative regulations in accordance with KRS Chapter 13A to implement this
8 section and KRS 216B.450 and 216B.455. When promulgating the administrative
9 regulations, the cabinet shall not consider only staffing ratios when evaluating the
10 written staffing plan of an applicant, but shall consider the applicant's overall ability
11 to provide for the needs of patients.

12 (23) The cabinet shall report, no later than August 1 of each year, to the Interim Joint
13 Committee on Health, Welfare, and Family Services~~[-and Welfare]~~ regarding the
14 implementation of this section and KRS 216B.450 and 216B.455. The report shall
15 include but not be limited to information relating to resident outcomes, such as
16 lengths of stay in the facility, locations residents were discharged to, and whether
17 residents were readmitted to a Level II psychiatric residential treatment facility
18 within a twelve (12) month period.

19 ➔Section 92. KRS 217.544 is amended to read as follows:

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

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

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

- 1 (3) "Animal" means all vertebrate and invertebrate species, including but not limited to
2 man and other mammals, birds, fish, and shellfish;
- 3 (4) "Antidote" means the most practical immediate treatment in case of poisoning and
4 includes first-aid treatment;
- 5 (5) "Board" means the Pesticide Advisory Board;
- 6 (6) "Defoliant" means any substance or mixture of substances intended to cause the
7 leaves or foliage to drop from a plant, with or without causing abscission;
- 8 (7) "Desiccant" means any substance or mixture of substances intended to artificially
9 accelerate the drying of plant tissue;
- 10 (8) "Device" means any instrument or contrivance other than a firearm which is
11 intended for trapping, destroying, repelling, or mitigating any pest or any other
12 form of plant or animal life other than man and other bacteria, virus, or other
13 microorganisms on or in living man or other living animals; but not including
14 equipment used for the application of pesticides when sold separately therefrom;
- 15 (9) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for
16 shipment, or receive and, having received, deliver or offer to deliver pesticides in
17 this state;
- 18 (10) "Environment" includes water, air, land, and all plants and man and other animals
19 living therein and the interrelationships which exist among these;
- 20 (11) "EPA" means the United States Environmental Protection Agency;
- 21 (12) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as
22 amended;
- 23 (13) "Fungi" means all nonchlorophyll-bearing thallophytes; that is, all nonchlorophyll-
24 bearing plants of a lower order than mosses and liverworts, as for example, rusts,
25 smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living
26 man or other living animals, and except those in or on processed food, beverages, or
27 pharmaceuticals;

- 1 (14) "Highly toxic pesticide" means any pesticide determined to be highly toxic under
2 the authority of sec. 25(c)(2) of FIFRA or by the department under this chapter;
- 3 (15) "Imminent hazard" means a situation which exists when the continued use of a
4 pesticide would likely result in unreasonable adverse effects on the environment or
5 will involve unreasonable hazard to the survival of a species declared endangered
6 by the secretary of the United States Department of Interior under Pub. L. 91-135 of
7 the United States Congress;
- 8 (16) "Inert ingredient" means an ingredient which is not an active ingredient;
- 9 (17) "Ingredient statement" means a statement of the name and percentage of each active
10 ingredient together with the total percentage of the inert ingredients in the pesticide
11 and, when the pesticide contains arsenic in any form, a statement of the percentage
12 of total and water-soluble arsenic, each stated as elemental arsenic;
- 13 (18) "Insect" means any of the numerous small invertebrate animals generally having the
14 body more or less obviously segmented, for the most part belonging to the class
15 insecta, comprising six (6) legged, usually winged forms, as for example, beetles,
16 bugs, bees, flies, and to other allied classes of arthropods whose members are
17 wingless and usually have more than six (6) legs, as, for example, spiders, mites,
18 ticks, centipedes, and wood lice, also nematodes and other invertebrates which are
19 destructive, constitute a liability, and may be classed as pests;
- 20 (19) "Label" means the written, printed, or graphic matter on, or attached to, the
21 pesticide or device, or to any of its containers or wrappers;
- 22 (20) "Labeling" means the label and other written, printed, or graphic matter:
- 23 (a) On the pesticide or device, or any of its containers or wrappers;
- 24 (b) Accompanying the pesticide or device at any time or referring to it in any
25 other media used to disseminate information to the public; and
- 26 (c) To which reference is made on the label or in the literature accompanying the
27 pesticide or device, except when accurate nonmisleading reference is made to

1 current official publications of the United States Environmental Protection
2 Agency, the Departments of Agriculture and Interior, the Department of
3 Health and Human Services~~[, Education and Welfare]~~, and other similar
4 federal institutions, the College of Agriculture, University of Kentucky,
5 Kentucky Agricultural Experiment Station, Cabinet for Health and Family
6 Services, Energy and Environment Cabinet, or other agencies of this state or
7 other states when such agencies are authorized by law to conduct research in
8 the field of pesticides;

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

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

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

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

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

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

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

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

- 1 environment;
- 2 (f) The label does not bear an ingredient statement on that part of the immediate
3 container, and on the outside container or wrapper, if there be one, through
4 which the ingredient statement on the immediate container cannot be clearly
5 read, of the retail package which is presented or displayed under customary
6 conditions of the purchase; provided, that the ingredient statement may appear
7 prominently on another part of the container pursuant to section 2(q) 2(A) (i)
8 (ii) of FIFRA if the size and form of the container makes it impractical to
9 place it on that part of the retail package which is presented or displayed
10 under customary conditions of purchase;
- 11 (g) Any word, statement, or other information required by KRS 217.542 to
12 217.630 or FIFRA to appear on the label or labeling is not prominently placed
13 thereon with such conspicuousness, as compared to other words, statements,
14 designs, or graphic matter in the labeling, and in such terms as to render it
15 likely to be read and understood by the ordinary individual under customary
16 conditions of purchase and use;
- 17 (h) The label does not bear the name, brand, or trademark under which the
18 pesticide is distributed;
- 19 (i) The label does not bear the net weight or measure of the content;
- 20 (j) The label does not bear the name and address of the manufacturer, registrant,
21 or person for whom manufactured; and
- 22 (k) The label does not bear the EPA registration number assigned to each
23 establishment in which the product is produced and the EPA number assigned
24 to the pesticide, if required by regulation under FIFRA;
- 25 (24) "Nematode" means invertebrate animals of the phylum nemathelminthes and class
26 nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like
27 bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may

- 1 also be called nemas or eelworms;
- 2 (25) "Person" means any individual, partnership, association, or any organized group of
3 persons whether incorporated or not;
- 4 (26) "Pest" means any insect, snail, slug, rodent, nematode, fungus, weed, and any other
5 form of plant or animal life, or virus, bacteria, or other microorganism, except
6 viruses, bacteria, or other microorganisms on or in living man or other living
7 animals, which is normally considered to be a pest, or which the department may
8 declare to be a pest;
- 9 (27) "Pesticide" means any substance or mixture of substances intended to prevent,
10 destroy, control, repel, attract, or mitigate any pest; any substance or mixture of
11 substances intended to be used as a plant regulator, defoliant, or desiccant; and any
12 substance or mixture of substances intended to be used as a spray adjuvant;
- 13 (28) "Plant regulator" means any substance or mixture of substances, intended through
14 physiological actions, to accelerate or retard the rate of growth or maturation, or to
15 otherwise alter the behavior of plants, but shall not include substances insofar as
16 they are intended to be used as plant nutrients, trace elements, nutritional chemicals,
17 plant inoculants, or soil amendments;
- 18 (29) "Protect health and the environment" means protection against any unreasonable
19 adverse effects on the environment;
- 20 (30) "Registrant" means a person who has registered any pesticide pursuant to the
21 provisions of KRS 217.542 to 217.630;
- 22 (31) "Restricted-use pesticide" means any pesticide classified for restricted use by the
23 administrator, EPA, or by regulation of the department;
- 24 (32) "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder,
25 adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent
26 intended to be used with any other pesticide as an aid to the application or to the
27 effect thereof, and which is in a package or container separate from that of the other

1 pesticide with which it is to be used;

2 (33) "Unreasonable adverse effects on the environment" means any unreasonable risk to
3 man or the environment, taking into account the economic, social, and
4 environmental costs and benefits of the use of any pesticide;

5 (34) "Weed" means any plant which grows where not wanted; and

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

9 ➔Section 93. KRS 217B.060 is amended to read as follows:

10 (1) The department may classify licenses to be issued under this chapter. The
11 classifications may include but not be limited to ornamental or agricultural pesticide
12 applicators, or right-of-way pesticide applicators. Separate classifications may be
13 specified as to ground, aerial, or manual methods used by any licensee to apply
14 pesticides. Each classification shall be subject to separate testing procedures and
15 requirements.

16 (2) Application for a license shall be made in writing to the department on a designated
17 form obtained from the department. Each application for a license shall contain
18 information regarding the applicant's qualifications and proposed operations, and
19 license classification or classifications the applicant is applying for, and shall
20 include the following:

21 (a) The full name of the person applying for the license;

22 (b) If the applicant is a receiver, trustee, firm, partnership, association,
23 corporation, or other organized group of persons whether or not incorporated,
24 the full name of the receiver or trustee, the full name of each member of the
25 firm or partnership, or the names of the officers of the association,
26 corporation, or group;

27 (c) The principal business address of the applicant in the state and elsewhere;

- 1 (d) The name and address of a person, who may be the Secretary of State, whose
2 domicile is in the state, and who is authorized to receive and accept services
3 of summons and legal notice of all kinds for the applicant; and
- 4 (e) Any other necessary information prescribed by the department.
- 5 (3) The department shall require an applicant for a license to show upon examination
6 that the applicant possesses adequate knowledge concerning the proper use and
7 application of pesticides in the classifications he or she has applied for. The
8 applicant shall also demonstrate a knowledge of the proper use of and calibration of
9 the various equipment that he or she may have applied for a license to operate,
10 including any pressurized, hand-sized devices. The examination shall require a
11 working knowledge of:
- 12 (a) The proper use of the equipment;
- 13 (b) The hazards that may be involved in applying pesticides, including:
- 14 1. The effect of drift of the pesticides on adjacent and nearby lands and
15 other nontarget organisms;
- 16 2. The proper meteorological conditions for the application of pesticides
17 and the precautions to be taken;
- 18 3. The effect of the pesticides on plants or animals in the area, including
19 the possibility of damage to plants or animals or the possibility of illegal
20 pesticide residues resulting on them;
- 21 4. The effect of the application of pesticides to wildlife in the area,
22 including aquatic life;
- 23 5. The identity and classification of pesticides used and the effects of their
24 application in particular circumstances; and
- 25 6. The likelihood of contamination of water or injury to persons, plants,
26 livestock, pollinating insects, and vegetation;
- 27 (c) Calculating the concentration of pesticides to be used in particular

1 circumstances;

2 (d) Identification of pests to be controlled by common name only and the
3 damages caused by the pests;

4 (e) Protective clothing and respiratory equipment required during the handling
5 and application of pesticides;

6 (f) General precautions to be followed in the disposal of containers as well as the
7 cleaning and decontamination of the equipment that the applicant proposes to
8 use; and

9 (g) Applicable state and federal pesticide laws and regulations.

10 (4) If the department finds the applicant qualified to apply pesticides in the
11 classifications he or she has applied for, if the applicant files the bond or insurance
12 required under KRS 217B.130, and if the applicant applying for a license to engage
13 in aerial application of pesticides has met all of the requirements of the Federal
14 Aviation Administration~~[Agency]~~ and the Transportation Cabinet to operate the
15 equipment described in the application, the department shall issue a pesticide
16 applicator license limited to the classifications for which he or she is qualified,
17 which shall expire at the end of the calendar year of issue unless it has been revoked
18 or suspended prior to that by the department for cause, or the financial security
19 required under KRS 217B.130 is not dated to expire at an earlier date, in which case
20 the license shall be dated to expire upon the expiration date of the financial security.

21 ➔Section 94. KRS 217B.080 is amended to read as follows:

22 (1) Except as provided in KRS 217B.090, it shall be unlawful for any person to act as
23 an employee of a pesticide operator or dealer and apply pesticides without having
24 obtained an applicator's license from the department. An applicator's license shall
25 be in addition to any other license or permit required by law. Any person applying
26 for an applicator's license shall file an application on a form prescribed by the
27 department on or before January 1 of each year. Application for a license to apply

1 pesticides shall be accompanied by a license fee of twenty-five dollars (\$25). The
2 provisions of this section shall not apply to any individual who has passed the
3 examination provided for in KRS 217B.060(3), and is a licensed pesticide operator.
4 If the department finds the applicant qualified to apply pesticides in the
5 classifications he *or she* has applied for after examinations as provided for in KRS
6 217B.060(3), and if the applicant applying for a license to engage in aerial
7 applications of pesticides has met all of the requirements of the Federal Aviation
8 Administration~~[Agency]~~ and the Transportation Cabinet to operate the equipment
9 described in the application, the department shall issue a pesticide applicator license
10 limited to the classifications for which he *or she* is qualified which shall expire at
11 the end of the calendar year of issue unless it has been revoked or suspended prior
12 to that by the department for cause as provided for in KRS 217B.120.

13 (2) No license shall be issued unless the applicant holds a valid certification within this
14 category.

15 (3) No license shall be issued unless the applicant is employed or supervised by a
16 person who holds a valid operator's license.

17 ➔Section 95. KRS 227.550 is amended to read as follows:

18 As used in KRS 227.550 to 227.660, 227.990, and 227.992, unless the context requires a
19 different definition:

20 (1) "Seal" means the United States Department of Housing and Urban Development
21 seal for manufactured homes;

22 (2) "Class B1 Seal" and "Class B2 Seal" mean seals issued pursuant to subsection (1)
23 of KRS 227.600;

24 (3) "Retailer" means any person, firm, or corporation, who sells or offers for sale two
25 (2) or more manufactured homes, mobile homes, or recreational vehicles in any
26 consecutive twelve (12) month period. The term "retailer" shall not include:

27 (a) A manufacturer, as defined in this section;

- 1 (b) Any bank, trust company, or lending institution that is subject to state or
2 federal regulation, with regard to the disposition of its own repossessed
3 manufactured housing; or
- 4 (c) A licensed real estate agent who acts as a negotiator between an owner and a
5 prospective purchaser and does not acquire ownership or possession of
6 manufactured homes for resale purposes;
- 7 (4) "Established place of business" means a fixed and permanent place of business in
8 this state, including an office building and hard surface lot of suitable character and
9 adequate facilities and qualified personnel, for the purpose of performing the
10 functional business and duties of a retailer, which shall include the books, records,
11 files, and equipment necessary to properly conduct such business, or a building
12 having sufficient space therein in which the functional duties of a retailer may be
13 performed. The place of business shall not consist of a residence, tent, temporary
14 stand, or open lot. It shall display a suitable sign identifying the retailer and his or
15 her business;
- 16 (5) "Federal act" means the National Manufactured Housing Construction and Safety
17 Standards Act of 1974, 42 U.S.C. secs. 5401 et seq., as amended, and rules and
18 regulations issued thereunder;
- 19 (6) "Manufactured home" means a single-family residential dwelling constructed in
20 accordance with the federal act, manufactured after June 15, 1976, and designed to
21 be used as a single-family residential dwelling with or without a permanent
22 foundation when connected to the required utilities, and includes the plumbing,
23 heating, air conditioning, and electrical systems contained therein. The
24 manufactured home may also be used as a place of business, profession, or trade by
25 the owner, the lessee, or the assigns of the owner or lessee and may comprise an
26 integral unit or condominium structure. Buildings the construction of which is not
27 preempted by the federal act are subject to building code requirements of KRS

- 1 Chapter 198B;
- 2 (7) "Factory-built housing" means manufactured homes, mobile homes, or mobile
3 office units;
- 4 (8) "Manufacturer" means any person who manufactures manufactured homes and sells
5 to Kentucky retailers;
- 6 (9) "Mobile home" means a factory-built structure manufactured prior to June 15,
7 1976, which was not required to be constructed in accordance with the federal act;
- 8 (10) "Department" means the Department of Housing, Buildings~~[-]~~ and Construction in
9 the Public Protection Cabinet;
- 10 (11) "Recreational vehicle" means a vehicular type unit primarily designed as temporary
11 living quarters for recreational, camping, or travel use, which either has its own
12 motive power or is mounted on or drawn by another vehicle not requiring a special
13 permit for movement on Kentucky highways. The basic entities are: travel trailer,
14 camping trailer, truck camper, motor home, and park vehicle;
- 15 (a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide
16 temporary living quarters for recreational, camping, or travel use, and of such
17 size or weight as not to require special highway movement permits when
18 drawn by a motorized vehicle, and with a living area of less than two hundred
19 twenty (220) square feet, excluding built-in equipment (such as wardrobes,
20 closets, cabinets, kitchen units, or fixtures) and bath and toilet rooms.
- 21 (b) Camping trailer: A vehicular portable unit mounted on wheels and constructed
22 with collapsible partial side walls which fold for towing by another vehicle
23 and unfold at the camp site to provide temporary living quarters for
24 recreational, camping, or travel use.
- 25 (c) Truck campers: A portable unit constructed to provide temporary living
26 quarters for recreational, travel, or camping use, consisting of a roof, floor,
27 and sides, designed to be loaded onto and unloaded from the bed of a pickup

1 truck.

2 (d) Park vehicle: A vehicle which:

- 3 1. Is built on a single chassis mounted on wheels;
- 4 2. Is primarily designed as temporary living quarters for seasonal or
5 destination camping and which may be connected to utilities necessary
6 for operation of installed fixtures and appliances;
- 7 3. Has a gross trailer area not exceeding four hundred (400) square feet in
8 the set-up mode; and
- 9 4. Has a gross trailer area not less than two hundred forty (240) square feet
10 and is certified by the manufacturer as complying with the current ANSI
11 standard or the generally accepted industry standard as adopted by the
12 department through the promulgation of an administrative regulation.

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

17 (12) "Secretary" means the Secretary of the Federal Department of Housing and Urban
18 Development; and

19 (13) "ANSI" means the American National Standards Institute.

20 ➔Section 96. KRS 230.225 is amended to read as follows:

21 (1) The Kentucky Horse Racing Commission is created as an independent agency of
22 state government to regulate the conduct of horse racing and pari-mutuel wagering
23 on horse racing, and related activities within the Commonwealth of Kentucky. The
24 racing commission shall be attached to the Public Protection Cabinet for
25 administrative purposes.

26 (2) (a) The Kentucky Horse Racing Commission shall consist of fifteen (15)
27 members appointed by the Governor, with the secretaries of the Public

- 1 Protection Cabinet, Tourism, Arts and Heritage Cabinet, and Cabinet for
2 Economic Development ~~Cabinet~~, or their designees, serving as ex officio
3 nonvoting members.
- 4 (b) Two (2) members shall have no financial interest in the business or industry
5 regulated.
- 6 (c) The members of the racing commission shall be appointed to serve for a term
7 of four (4) years, except the initial terms shall be staggered as follows:
- 8 1. Five (5) members shall serve for a term of four (4) years;
9 2. Five (5) members shall serve for a term of three (3) years; and
10 3. Five (5) members shall serve for a term of two (2) years.
- 11 (d) Any member appointed to fill a vacancy occurring other than by expiration of
12 a term shall be appointed for the remainder of the unexpired term.
- 13 (e) In making appointments, the Governor may consider members broadly
14 representative of the Thoroughbred industry and members broadly
15 representative of the standardbred, quarter horse, Appaloosa, or Arabian
16 industries. The Governor may also consider recommendations from the
17 Kentucky Thoroughbred Owners and Breeders, Inc., the Kentucky Division of
18 the Horsemen's Benevolent and Protective Association, the Kentucky Harness
19 Horsemen's Association, and other interested organizations.
- 20 (3) (a) Members of the racing commission shall receive no compensation for serving
21 on the commission, but shall be reimbursed for travel expenses for attending
22 meetings and performing other official functions consistent with the
23 reimbursement policy for state employees established by KRS 45.101 and
24 administrative regulations promulgated thereunder.
- 25 (b) The Governor shall appoint one (1) member of the racing commission to serve
26 as its chairperson who shall serve at the pleasure of the Governor.
- 27 (c) The Governor shall further designate a second member to serve as vice chair

1 with authority to act in the absence of the chairperson.

2 (d) Before entering upon the discharge of their duties, all members of the
3 Kentucky Horse Racing Commission shall take the constitutional oath of
4 office.

5 (4) (a) The racing commission shall establish and maintain a general office for the
6 transaction of its business and may in its discretion establish a branch office
7 or offices.

8 (b) The racing commission may hold meetings at any of its offices or at any other
9 place when the convenience of the racing commission requires.

10 (c) All meetings of the racing commission shall be open and public, and all
11 persons shall be permitted to attend meetings.

12 (d) A majority of the voting members of the racing commission shall constitute a
13 quorum for the transaction of its business or exercise of any of its powers.

14 (5) Except as otherwise provided, the racing commission shall be responsible for the
15 following:

16 (a) Developing and implementing programs designed to ensure the safety and
17 well-being of horses, jockeys, and drivers;

18 (b) Developing programs and procedures that will aggressively fulfill its
19 oversight and regulatory role on such matters as medical practices and
20 integrity issues;

21 (c) Recommending tax incentives and implementing incentive programs to ensure
22 the strength and growth of the equine industry;

23 (d) Designing and implementing programs that strengthen the ties between
24 Kentucky's horse industry and the state's universities, with the goal of
25 significantly increasing the economic impact of the horse industry on
26 Kentucky's economy, improving research for the purpose of promoting the
27 enhanced health and welfare of the horse, and other related industry issues;

1 and

2 (e) Developing and supporting programs which ensure that Kentucky remains in
3 the forefront of equine research.

4 ➔Section 97. KRS 248.510 is amended to read as follows:

5 (1) The Kentucky Tobacco Research Board is hereby created. The board shall be
6 composed of thirteen (13) voting members and one (1) nonvoting member as
7 follows:

8 (a) Ten (10) permanent members who shall be the following officeholders or
9 shall be designated by the following organizations: the Kentucky Farm
10 Bureau Federation; the Kentucky Innovations Commission; the commissioner
11 of the Kentucky Department of Agriculture; the dean of the University of
12 Kentucky College of Agriculture; the Burley Growers Cooperative
13 Association; the Council for Burley Tobacco; the Dark Fired Tobacco
14 Association; the Kentucky Science and Technology Corporation; the
15 chairman of the Senate Committee on Agriculture; and the chairman of the
16 House Committee on Agriculture ~~and Small Business~~. Each officeholder and
17 organization shall designate an alternate who is authorized to serve when the
18 member cannot be present at a meeting.

19 (b) Three (3) members at large, at least one (1) of whom is a tobacco farmer in
20 Kentucky and at least one (1) of whom has research and development
21 experience in the public or private sector, who shall be appointed by the
22 Governor with the advice and consent of the Legislative Research
23 Commission.

24 (c) One (1) nonvoting member from the University of Kentucky, who shall be the
25 University of Kentucky Vice President for Research, or the Vice President's
26 designee. The nonvoting member of the board may be counted in determining
27 a quorum, but the nonvoting member shall not vote on matters before the

1 board.

2 (2) No member of the board shall receive any salary, fee, or other remuneration for
3 ~~his~~ services as a member of the board but each member shall be reimbursed for
4 his or her ordinary travel expenses, including meals and lodging, incurred in the
5 performance of his or her duties incident to implementation of the provisions of
6 KRS 248.510 to 248.570.

7 (3) The term of the ten (10) members designated in paragraph (a) of subsection (1) of
8 this section shall not change but they shall be permanent members in terms of the
9 organizations and offices named. At-large members and the tobacco industry
10 member shall serve two (2) year terms.

11 (4) The board shall elect, by a majority vote of the thirteen (13) voting members, a
12 chairman and a vice chair. The chairman shall be the presiding officer of the board,
13 shall preside at all meetings, and coordinate the functions and activities of the
14 board. The chairman shall be elected or reelected annually and shall be a permanent
15 member or an at-large member of the board. The vice chair shall conduct meetings
16 in the absence of the chairman. The board shall have such other organization as
17 deemed necessary and approved by the board.

18 (5) Meetings of the board shall be held at least quarterly but may be held more
19 frequently as deemed necessary subject to call by the chairman or by request of a
20 majority of the board members. Board meetings shall concern, among other things,
21 policy matters relating to research projects and programs, research progress reports,
22 authorization of projects and financial plans, and such other matters as necessary to
23 carry out the intent of KRS 248.510 to 248.570.

24 (6) Seven (7) members of the board shall constitute a quorum for doing business. Each
25 member shall have one (1) vote and a majority vote of the members present shall
26 control on all questions.

27 ➔Section 98. KRS 257.192 is amended to read as follows:

1 The Kentucky Livestock Care Standards Commission is hereby created to make
2 recommendations to the board to establish, maintain, or revise standards governing the
3 care and well-being of on-farm livestock and poultry. The commission shall be attached
4 to the Department of Agriculture for administrative purposes and shall consist of sixteen
5 (16) members as follows:

- 6 (1) The state veterinarian, who shall be a nonvoting member;
- 7 (2) The co-chairs of the Interim Joint Committee on Agriculture, who shall be
8 nonvoting, ex officio members; and
- 9 (3) Thirteen (13) voting members as follows:
 - 10 (a) The Commissioner or the Commissioner's designee, who shall serve as chair;
 - 11 (b) The dean of the University of Kentucky College of Agriculture or the dean's
12 designee;
 - 13 (c) The chair of the Animal Control Advisory Board or the chair's designee;
 - 14 (d) The director of the University of Kentucky Veterinary~~[Livestock Disease]~~
15 Diagnostic Center or the director of the Murray State University Breathitt
16 Veterinary Center. Each director shall serve one (1) year terms on a rotating
17 basis;
 - 18 (e) Four (4) members appointed by the Governor as follows:
 - 19 1. One (1) person selected from a list of three (3) submitted by the
20 Kentucky Farm Bureau;
 - 21 2. One (1) person selected from a list of three (3) submitted by the
22 Kentucky County Judge/Executive Association;
 - 23 3. One (1) veterinarian selected from a list of three (3) submitted by the
24 Kentucky Veterinary Medical Association. The veterinarian's practice
25 shall include working on one (1) or more of the species named in
26 paragraph (f) of this subsection; and
 - 27 4. One (1) citizen at large with an interest in food safety; and

1 (f) Five (5) members actively engaged in farming and appointed by the Governor
2 with assistance by the department. The department shall contact commodity
3 organizations named in this paragraph, collect a list of potential
4 representatives from the organizations, and deliver the list to the Governor.
5 The Governor shall appoint:

- 6 1. One (1) active producer from the list submitted by Kentucky commodity
7 organizations representing bovine species;
- 8 2. One (1) active producer from the list submitted by Kentucky commodity
9 organizations representing ovine and caprine species;
- 10 3. One (1) active producer from the list submitted by Kentucky commodity
11 organizations representing porcine species;
- 12 4. One (1) active producer from the list submitted by Kentucky commodity
13 organizations representing equine species; and
- 14 5. One (1) active producer from the list submitted by Kentucky commodity
15 organizations representing poultry species.

16 ➔Section 99. KRS 257.472 is amended to read as follows:

17 (1) The Kentucky Equine Health and Welfare Council is hereby established and shall
18 be attached to the Kentucky Department of Agriculture for administrative purposes
19 only. The council shall:

- 20 (a) Assist, advise, and consult with the commission created by KRS 257.192 on
21 equine health and welfare issues;
- 22 (b) Act to maintain the health, welfare, and safety of equines in the
23 Commonwealth; and
- 24 (c) Carry out the duties assigned to the council in KRS 257.474.

25 (2) The council shall be composed of thirteen (13) voting members and two (2)
26 nonvoting ex officio members as follows:

- 27 (a) The Commissioner of Agriculture or his or her designee;

- 1 (b) The state veterinarian or his or her designee;
- 2 (c) One (1) representative of the University of Kentucky College of Agriculture
3 Ag Equine Programs~~[Equine Initiative]~~ to be designated by the dean of the
4 University of Kentucky College of Agriculture;
- 5 (d) One (1) representative of the University of Louisville Equine Industry
6 Program to be designated by the dean of the College of Business;
- 7 (e) One (1) representative of equine education programs chosen by Morehead
8 State University, Murray State University, or Western Kentucky University
9 on a rotating basis at the pleasure of the university to serve a one (1) year
10 term;
- 11 (f) The executive director of the University of Kentucky Veterinary~~[Livestock~~
12 ~~Disease]~~ Diagnostic Center, or his or her designee, or the executive director of
13 the Murray State University Breathitt Veterinary Center, or his or her
14 designee, who shall serve one (1) year terms on a rotating basis;
- 15 (g) One (1) representative of the Kentucky Farm Bureau Federation with an
16 interest in equine issues;
- 17 (h) One (1) veterinarian representing the Kentucky Equine Health and Welfare
18 Alliance Inc.;
- 19 (i) One (1) member representing the Kentucky Veterinary Medical Association;
- 20 (j) One (1) member to be appointed by the Governor from a list of three (3)
21 nominees submitted by the Kentucky Horse Council;
- 22 (k) One (1) member representing organized horse rescue entities to be selected by
23 the Governor from a listing of those who apply for membership on the
24 council;
- 25 (l) Two (2) members at large who live in diverse regions of the state to be
26 appointed by the Governor. Each member at large shall primarily represent
27 one (1) of the following:

- 1 1. Equine breeders and owners; and
- 2 2. Agricultural interests;
- 3 (m) The chair of the Senate Standing Committee on Agriculture, who shall serve
- 4 as a nonvoting ex officio member; and
- 5 (n) The chair of the House Standing Committee on Agriculture ~~and Small~~
- 6 ~~Business~~, who shall serve as a nonvoting ex officio member.
- 7 (3) Initial terms of members serving under subsection (2)(c), (d), and (g) to (l) of this
- 8 section shall be staggered by the Governor. Thereafter, terms shall be for four (4)
- 9 years or until their successors are duly appointed and qualified. Vacancies on the
- 10 council shall be filled for the remainder of the unexpired term in the same manner
- 11 as the original appointment.
- 12 (4) Consideration shall be given to racial and gender equity in the appointment of
- 13 council members.
- 14 (5) The council shall elect one (1) of its members to serve as chair for a term of two (2)
- 15 years.
- 16 (6) The council shall meet quarterly or upon the call of the chair. The first meeting of
- 17 the council shall occur at the beginning of the quarter following appointments to the
- 18 council.
- 19 (7) A quorum of the council shall consist of seven (7) voting members. A majority of
- 20 the voting members present may act upon matters before the council.
- 21 (8) Members of the council shall serve without compensation.
- 22 (9) Nothing in KRS 257.472 to 257.476 shall be construed to infringe upon the
- 23 regulatory authority of:
- 24 (a) The Kentucky Horse Racing Commission to inspect, investigate, and
- 25 supervise horses and other participants in horse racing and breeders incentive
- 26 funds as provided by KRS Chapter 230, administrative regulations
- 27 promulgated under KRS Chapter 230, or any other law applicable to the

1 regulation of horse racing in the Commonwealth;

2 (b) The Kentucky Board of Veterinary Examiners to license and certify
3 veterinarians as provided by KRS Chapter 321, administrative regulations
4 promulgated under KRS Chapter 321, or any other law applicable to the
5 regulation of veterinarians in the Commonwealth; or

6 (c) The Kentucky Livestock Care Standards Commission to make recommendations to
7 the Board of Agriculture to establish, maintain, or revise standards governing the
8 care and well-being of on-farm livestock and poultry, or any other authority of the
9 commission authorized under this chapter.

10 ➔Section 100. KRS 237.110 is amended to read as follows:

11 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
12 to carry concealed firearms or other deadly weapons, or a combination thereof, to
13 persons qualified as provided in this section.

14 (2) An original or renewal license issued pursuant to this section shall:

15 (a) Be valid throughout the Commonwealth and, except as provided in this
16 section or other specific section of the Kentucky Revised Statutes or federal
17 law, permit the holder of the license to carry firearms, ammunition, or other
18 deadly weapons, or a combination thereof, at any location in the
19 Commonwealth;

20 (b) Unless revoked or suspended as provided by law, be valid for a period of five
21 (5) years from the date of issuance;

22 (c) Authorize the holder of the license to carry a concealed firearm or other
23 deadly weapon, or a combination thereof, on or about his or her person; and

24 (d) Authorize the holder of the license to carry ammunition for a firearm on or
25 about his or her person.

26 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
27 weapon, the Department of Kentucky State Police, upon receipt of a completed

1 application, applicable fees, and any documentation required by this section or
2 administrative regulation promulgated by the Department of Kentucky State Police,
3 shall conduct a background check to ascertain whether the applicant is eligible
4 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
5 to purchase, receive, or possess a firearm or ammunition, or both. The background
6 check shall include:

7 (a) A state records check covering the items specified in this subsection, together
8 with any other requirements of this section;

9 (b) A federal records check, which shall include a National Instant Criminal
10 Background Check System (NICS) check;

11 (c) A federal Immigration Alien Query if the person is an alien who has been
12 lawfully admitted to the United States by the United States government or an
13 agency thereof; and

14 (d) In addition to the Immigration Alien Query, if the applicant has not been
15 lawfully admitted to the United States under permanent resident status, the
16 Department of Kentucky State Police shall, if a doubt exists relating to an
17 alien's eligibility to purchase a firearm, consult with the United States
18 Department of Homeland Security, United States Department of Justice,
19 United States Department of State, or other federal agency to confirm whether
20 the alien is eligible to purchase a firearm in the United States, bring a firearm
21 into the United States, or possess a firearm in the United States under federal
22 law.

23 (4) The Department of Kentucky State Police shall issue an original or renewal license
24 if the applicant:

25 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
26 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
27 applicable federal or state law;

- 1 (b) 1. Is a citizen of the United States who is a resident of this
2 Commonwealth;
- 3 2. Is a citizen of the United States who is a member of the Armed Forces
4 of the United States who is on active duty, who is at the time of
5 application assigned to a military posting in Kentucky;
- 6 3. Is lawfully admitted to the United States by the United States
7 government or an agency thereof, is permitted by federal law to
8 purchase a firearm, and is a resident of this Commonwealth; or
- 9 4. Is lawfully admitted to the United States by the United States
10 government or an agency thereof, is permitted by federal law to
11 purchase a firearm, is, at the time of the application, assigned to a
12 military posting in Kentucky, and has been assigned to a posting in the
13 Commonwealth;
- 14 (c) Is twenty-one (21) years of age or older;
- 15 (d) Has not been committed to a state or federal facility for the abuse of a
16 controlled substance or been convicted of a misdemeanor violation of KRS
17 Chapter 218A or similar laws of any other state relating to controlled
18 substances, within a three (3) year period immediately preceding the date on
19 which the application is submitted;
- 20 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
21 the applicant having two (2) or more convictions for violating KRS 189A.010
22 within the three (3) years immediately preceding the date on which the
23 application is submitted, or having been committed as an alcoholic pursuant to
24 KRS Chapter 222 or similar laws of another state within the three (3) year
25 period immediately preceding the date on which the application is submitted;
- 26 (f) Does not owe a child support arrearage which equals or exceeds the
27 cumulative amount which would be owed after one (1) year of nonpayment, if

1 the Department of Kentucky State Police has been notified of the arrearage by
2 the Cabinet for Health and Family Services;

3 (g) Has complied with any subpoena or warrant relating to child support or
4 paternity proceedings. If the Department of Kentucky State Police has not
5 been notified by the Cabinet for Health and Family Services that the applicant
6 has failed to meet this requirement, the Department of Kentucky State Police
7 shall assume that paternity and child support proceedings are not an issue;

8 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
9 three (3) years immediately preceding the date on which the application is
10 submitted. The commissioner of the Department of Kentucky State Police
11 may waive this requirement upon good cause shown and a determination that
12 the applicant is not a danger and that a waiver would not violate federal law;

13 (i) Demonstrates competence with a firearm by successful completion of a
14 firearms safety or training course that is conducted by a firearms instructor
15 who is certified by a national organization with membership open to residents
16 of any state or territory of the United States, which was created to promote
17 firearms education, safety, and the profession of firearms use and training, and
18 to foster professional behavior in its members. The organization shall require
19 members to adhere to its own code of ethics and conduct a program which
20 certifies firearms instructors and includes the use of written tests, in person
21 instruction, and a component of live-fire training. These national
22 organizations shall include but are not limited to the National Rifle
23 Association, the United States Concealed Carry Association, and the National
24 Shooting Sports Foundation. The training requirement may also be fulfilled
25 through any firearms safety course offered or approved by the Department of
26 Criminal Justice Training. The firearms safety course offered or approved by
27 the Department of Criminal Justice Training shall:

- 1 1. Be not more than eight (8) hours in length;
- 2 2. Include instruction on handguns, the safe use of handguns, the care and
- 3 cleaning of handguns, and handgun marksmanship principles;
- 4 3. Include actual range firing of a handgun in a safe manner, and the firing
- 5 of not more than twenty (20) rounds at a full-size silhouette target,
- 6 during which firing, not less than eleven (11) rounds must hit the
- 7 silhouette portion of the target; and
- 8 4. Include information on and a copy of laws relating to possession and
- 9 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
- 10 laws relating to the use of force, as set forth in KRS Chapter 503; and
- 11 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
- 12 including with the application a copy of the concealed carry deadly weapons
- 13 legal handout made available by the Department of Criminal Justice Training
- 14 and a signed statement that indicates that applicant has read and understands
- 15 the handout.
- 16 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued
- 17 by a firearms instructor certified by a national organization or the Department
- 18 of Criminal Justice Training shall constitute evidence of qualification under
- 19 subsection (4)(i) of this section.
- 20 (b) Persons qualifying under subsection (6)(d) of this section may submit with
- 21 their application:
- 22 1. At least one (1) of the following paper or electronic forms or their
- 23 successor forms showing evidence of handgun training or handgun
- 24 qualifications:
- 25 a. Department of Defense Form DD 2586;
- 26 b. Department of Defense Form DD 214;
- 27 c. Coast Guard Form CG 3029;

- 1 d. Department of the Army Form DA 88-R;
- 2 e. Department of the Army Form DA 5704-R;
- 3 f. Department of the Navy Form OPNAV 3591-1; or
- 4 g. Department of the Air Force Form AF 522; or
- 5 2. a. Documentary evidence of an honorable discharge; and
- 6 b. A notarized affidavit on a form provided by the Department of
- 7 Kentucky State Police, signed under penalty of perjury, stating the
- 8 person has met the training requirements of subsection (6)(d) of
- 9 this section.
- 10 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
- 11 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
- 12 officers who are retired and are members of the Kentucky Employees
- 13 Retirement System, State Police Retirement System, or County Employees
- 14 Retirement System or other retirement system operated by or for a city,
- 15 county, or urban-county in Kentucky shall be deemed to have met the training
- 16 requirement.
- 17 (b) Current and retired peace officers of the following federal agencies shall be
- 18 deemed to have met the training requirement:
- 19 1. Any peace officer employed by a federal agency specified in KRS
- 20 61.365;
- 21 2. Any peace officer employed by a federal civilian law enforcement
- 22 agency not specified above who has successfully completed the basic
- 23 law enforcement training course required by that agency;
- 24 3. Any military peace officer of the United States Army, Navy, Marine
- 25 Corps, or Air Force, or a reserve component thereof, or of the Army
- 26 National Guard or Air National Guard who has successfully completed
- 27 the military law enforcement training course required by that branch of

1 the military;

2 4. Any member of the United States Coast Guard serving in a peace officer
3 role who has successfully completed the law enforcement training
4 course specified by the United States Coast Guard.

5 (c) Corrections officers who are currently employed by a consolidated local
6 government, an urban-county government, or the Department of Corrections
7 who have successfully completed a basic firearms training course required for
8 their employment, and corrections officers who were formerly employed by a
9 consolidated local government, an urban-county government, or the
10 Department of Corrections who are retired, and who successfully completed a
11 basic firearms training course required for their employment, and are
12 members of a state-administered retirement system or other retirement system
13 operated by or for a city, county, or urban-county government in Kentucky
14 shall be deemed to have met the training requirement.

15 (d) Active or honorably discharged service members in the United States Army,
16 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
17 thereof, or of the Army National Guard or Air National Guard shall be
18 deemed to have met the training requirement if these persons:

19 1. Successfully completed handgun training which was conducted by the
20 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
21 a reserve component thereof, or of the Army National Guard or Air
22 National Guard; or

23 2. Successfully completed handgun qualification within the United States
24 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
25 component thereof, or of the Army Guard or Air Force National Guard.

26 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
27 concealed deadly weapon shall be obtained from and submitted to the

- 1 office of the sheriff in the county in which the person resides.
- 2 2. An applicant, in lieu of a paper application, may submit an electronic
3 application for a license, or renewal of a license, to carry a concealed
4 deadly weapon to the Department of Kentucky State Police.
- 5 3. Persons qualifying under subsection (6)(d) of this section shall be
6 supplied the information in subsection (4)(i)4. of this section upon
7 obtaining an application.
- 8 (b) 1. The completed paper application and any documentation required by
9 this section plus an application fee or renewal fee, as appropriate, of
10 sixty dollars (\$60) shall be presented to the office of the sheriff of the
11 county in which the applicant resides.
- 12 2. The sheriff shall transmit the paper application and accompanying
13 material to the Department of Kentucky State Police within five (5)
14 working days.
- 15 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
16 office of the sheriff for official expenses of the office. Twenty dollars
17 (\$20) shall be sent to the Department of Kentucky State Police with the
18 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
19 Administrative Office of the Courts to fund background checks for
20 youth leaders, and ten dollars (\$10) shall be transmitted to the
21 Administrative Office of the Courts to fund background checks for
22 applicants for concealed weapons.
- 23 (c) 1. A completed electronic application submitted in lieu of a paper
24 application, any documentation required by this section, and an
25 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
26 shall be presented to the Department of Kentucky State Police.
- 27 2. If an electronic application is submitted in lieu of a paper application,

1 thirty dollars (\$30) of the electronic application fee shall be retained by
2 the Department of Kentucky State Police. Twenty dollars (\$20) shall be
3 sent to the office of the sheriff of the applicant's county of residence for
4 official expenses of the office. Ten dollars (\$10) shall be transmitted to
5 the Administrative Office of the Courts to fund background checks for
6 youth leaders, and ten dollars (\$10) shall be transmitted to the
7 Administrative Office of the Courts to fund background checks for
8 applicants for concealed weapon carry permits.

9 (d) A full-time or part-time peace officer who is currently certified as a peace
10 officer by the Kentucky Law Enforcement Council and who is authorized by
11 his or her employer or government authority to carry a concealed deadly
12 weapon at all times and all locations within the Commonwealth pursuant to
13 KRS 527.020, or a retired peace officer who is a member of the Kentucky
14 Employees Retirement System, State Police Retirement System, County
15 Employees Retirement System, or other retirement system operated by or for
16 a city, county, or urban-county government in Kentucky, shall be exempt
17 from paying the paper or electronic application or renewal fees.

18 (e) The application, whether paper or electronic, shall be completed, under oath,
19 on a form or in a manner promulgated by the Department of Kentucky State
20 Police by administrative regulation which shall include:

- 21 1. a. The name, address, place and date of birth, citizenship, gender,
22 Social Security number of the applicant; and
- 23 b. If not a citizen of the United States, alien registration number if
24 applicable, passport number, visa number, mother's maiden name,
25 and other information necessary to determine the immigration
26 status and eligibility to purchase a firearm under federal law of a
27 person who is not a citizen of the United States;

- 1 2. A statement that, to the best of his or her knowledge, the applicant is in
2 compliance with criteria contained within subsections (3) and (4) of this
3 section;
- 4 3. A statement that the applicant, if qualifying under subsection (6)(d) of
5 this section, has provided:
- 6 a. At least one (1) of the forms listed in subsection (5) of this section;
7 or
- 8 b. i. Documentary evidence of an honorable discharge; and
9 ii. A notarized affidavit on a form provided by the Department
10 of Kentucky State Police stating the person has met the
11 training requirements of subsection (6)(d) of this section;
- 12 4. A statement that the applicant has been furnished a copy of this section
13 and is knowledgeable about its provisions;
- 14 5. A statement that the applicant has been furnished a copy of, has read,
15 and understands KRS Chapter 503 as it pertains to the use of deadly
16 force for self-defense in Kentucky; and
- 17 6. A conspicuous warning that the application is executed under oath and
18 that a materially false answer to any question, or the submission of any
19 materially false document by the applicant, subjects the applicant to
20 criminal prosecution under KRS 523.030.
- 21 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
22 county of military posting if submitting a paper application, or to the Department of
23 Kentucky State Police if submitting an electronic application:
- 24 (a) A completed application as described in subsection (7) of this section;
25 (b) A recent color photograph of the applicant, as prescribed by administrative
26 regulation;
- 27 (c) A paper or electronic certificate or an affidavit or document as described in

- 1 subsection (5) of this section;
- 2 (d) A paper or electronic document establishing the training exemption as
- 3 described in subsection (6) of this section; and
- 4 (e) For an applicant who is not a citizen of the United States and has been
- 5 lawfully admitted to the United States by the United States government or an
- 6 agency thereof, an affidavit as prescribed by administrative regulation
- 7 concerning his or her immigration status and his or her United States
- 8 government issued:
- 9 1. Permanent Resident Card I-551 or its equivalent successor
 - 10 identification;
 - 11 2. Other United States government issued evidence of lawful admission to
 - 12 the United States which includes the category of admission, if admission
 - 13 has not been granted as a permanent resident; and
 - 14 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
 - 15 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
 - 16 178, including, as appropriate, but not limited to evidence of ninety (90)
 - 17 day residence in the Commonwealth, a valid current Kentucky hunting
 - 18 license if claiming exemption as a hunter, or other evidence of eligibility
 - 19 to purchase a firearm by an alien which is required by federal law or
 - 20 regulation.

21 If an applicant presents identification specified in this paragraph, the sheriff

22 shall examine the identification, may record information from the

23 identification presented, and shall return the identification to the applicant.

- 24 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
- 25 of receipt of the items listed in subsection (8) of this section if the applicant
- 26 submitted a paper application, or within fifteen (15) business days after the date of
- 27 receipt of the items listed in subsection (8) of this section if the applicant applied

1 electronically, either:

2 (a) Issue the license; or

3 (b) Deny the application based solely on the grounds that the applicant fails to
4 qualify under the criteria listed in subsection (3) or (4) of this section. If the
5 Department of Kentucky State Police denies the application, it shall notify the
6 applicant in writing, stating the grounds for denial and informing the applicant
7 of a right to submit, within thirty (30) days, any additional documentation
8 relating to the grounds of denial. Upon receiving any additional
9 documentation, the Department of Kentucky State Police shall reconsider its
10 decision and inform the applicant within twenty (20) days of the result of the
11 reconsideration. The applicant shall further be informed of the right to seek de
12 novo review of the denial in the District Court of his or her place of residence
13 within ninety (90) days from the date of the letter advising the applicant of the
14 denial.

15 (10) The Department of Kentucky State Police shall maintain an automated listing of
16 license holders and pertinent information, and this information shall be available
17 upon request, at all times to all Kentucky, federal, and other states' law enforcement
18 agencies. A request for the entire list of licensees, or for all licensees in a
19 geographic area, shall be denied. Only requests relating to a named licensee shall be
20 honored or available to law enforcement agencies. Information on applications for
21 licenses, names and addresses, or other identifying information relating to license
22 holders shall be confidential and shall not be made available except to law
23 enforcement agencies. No request for lists of local or statewide permit holders shall
24 be made to any state or local law enforcement agency, peace officer, or other
25 agency of government other than the Department of Kentucky State Police, and no
26 state or local law enforcement agency, peace officer, or agency of government,
27 other than the Department of Kentucky State Police, shall provide any information

1 to any requester not entitled to it by law.

2 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
3 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
4 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
5 notify the Department of Kentucky State Police shall constitute a noncriminal
6 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
7 District Court. No court costs shall be assessed for a violation of this subsection.
8 When a licensee makes application to change his or her residence address or other
9 information on the license, neither the sheriff nor the Department of Kentucky State
10 Police shall require a surrender of the license until a new license is in the office of
11 the applicable sheriff and available for issuance. Upon the issuance of a new
12 license, the old license shall be destroyed by the sheriff.

13 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
14 and the person to whom the same was issued may, upon payment of fifteen dollars
15 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
16 submitted in lieu of a paper request, to the Department of Kentucky State Police,
17 obtain a duplicate, upon furnishing a notarized statement to the Department of
18 Kentucky State Police that the license has been lost, stolen, or destroyed.

19 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
20 designee in writing, shall revoke the license of any person who becomes
21 permanently ineligible to be issued a license or have a license renewed under
22 the criteria set forth in this section.

23 (b) The commissioner of the Department of Kentucky State Police, or his or her
24 designee in writing, shall suspend the license of any person who becomes
25 temporarily ineligible to be issued a license or have a license renewed under
26 the criteria set forth in this section. The license shall remain suspended until
27 the person is again eligible for the issuance or renewal of a license.

- 1 (c) Upon the suspension or revocation of a license, the commissioner of the
2 Department of Kentucky State Police, or his or her designee in writing, shall:
- 3 1. Order any peace officer to seize the license from the person whose
4 license was suspended or revoked; or
 - 5 2. Direct the person whose license was suspended or revoked to surrender
6 the license to the sheriff of the person's county of residence within two
7 (2) business days of the receipt of the notice.
- 8 (d) If the person whose license was suspended or revoked desires a hearing on the
9 matter, the person shall surrender the license as provided in paragraph (c)2. of
10 this subsection and petition the commissioner of the Department of Kentucky
11 State Police to hold a hearing on the issue of suspension or revocation of the
12 license.
- 13 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
14 State Police shall cause a hearing to be held in accordance with KRS Chapter
15 13B on the suspension or revocation of the license. If the license has not been
16 surrendered, no hearing shall be scheduled or held.
- 17 (f) If the hearing officer determines that the licensee's license was wrongly
18 suspended or revoked, the hearing officer shall order the commissioner of the
19 Department of Kentucky State Police to return the license and abrogate the
20 suspension or revocation of the license.
- 21 (g) Any party may appeal a decision pursuant to this subsection to the District
22 Court in the licensee's county of residence in the same manner as for the
23 denial of a license.
- 24 (h) If the license is not surrendered as ordered, the commissioner of the
25 Department of Kentucky State Police shall order a peace officer to seize the
26 license and deliver it to the commissioner.
- 27 (i) Failure to surrender a suspended or revoked license as ordered is a Class A

1 misdemeanor.

2 (j) The provisions of this subsection relating to surrender of a license shall not
3 apply if a court of competent jurisdiction has enjoined its surrender.

4 (k) When a domestic violence order or emergency protective order is issued
5 pursuant to the provisions of KRS Chapter 403 against a person holding a
6 license issued under this section, the holder of the permit shall surrender the
7 license to the court or to the officer serving the order. The officer to whom the
8 license is surrendered shall forthwith transmit the license to the court issuing
9 the order. The license shall be suspended until the order is terminated, or until
10 the judge who issued the order terminates the suspension prior to the
11 termination of the underlying domestic violence order or emergency
12 protective order, in writing and by return of the license, upon proper motion
13 by the license holder. Subject to the same conditions as above, a peace officer
14 against whom an emergency protective order or domestic violence order has
15 been issued shall not be permitted to carry a concealed deadly weapon when
16 not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.

17 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
18 license, the Department of Kentucky State Police shall mail to each licensee a
19 written notice of the expiration and a renewal form prescribed by the
20 Department of Kentucky State Police. The outside of the envelope containing
21 the license renewal notice shall bear only the name and address of the
22 applicant. No other information relating to the applicant shall appear on the
23 outside of the envelope sent to the applicant. The licensee may renew his or
24 her license on or before the expiration date by filing with the sheriff of his or
25 her county of residence the paper renewal form, or by filing with the
26 Department of Kentucky State Police an electronic renewal form in lieu of a
27 paper renewal form, stating that the licensee remains qualified pursuant to the

1 criteria specified in subsections (3) and (4) of this section, and the required
2 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
3 the applicant a receipt for the paper application for renewal of the license and
4 shall date the receipt. The Department of Kentucky State Police shall issue to
5 the applicant a receipt for an electronic application for renewal of the license
6 submitted in lieu of a paper application for renewal and shall date the receipt.

7 (b) A license which has expired shall be void and shall not be valid for any
8 purpose other than surrender to the sheriff in exchange for a renewal license.

9 (c) The license shall be renewed to a qualified applicant upon receipt of the
10 completed renewal application, records check as specified in subsection (3) of
11 this section, determination that the renewal applicant is not ineligible for a
12 license as specified in subsection (4), and appropriate payment of fees. Upon
13 the issuance of a new license, the old license shall be destroyed by the sheriff.
14 A licensee who fails to file a renewal application on or before its expiration
15 date may renew his or her license by paying, in addition to the license fees, a
16 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
17 more after its expiration date, and the license shall be deemed to be
18 permanently expired six (6) months after its expiration date. A person whose
19 license has permanently expired may reapply for licensure pursuant to
20 subsections (7), (8), and (9) of this section.

21 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
22 firearm or other deadly weapon and shall display the license upon request of a law
23 enforcement officer. Violation of the provisions of this subsection shall constitute a
24 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
25 clerk of the District Court, but no court costs shall be assessed.

26 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
27 authorize any person to carry a concealed firearm into:

- 1 (a) Any police station or sheriff's office;
- 2 (b) Any detention facility, prison, or jail;
- 3 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
4 proceeding;
- 5 (d) Any meeting of the governing body of a county, municipality, or special
6 district; or any meeting of the General Assembly or a committee of the
7 General Assembly, except that nothing in this section shall preclude a member
8 of the body, holding a concealed deadly weapon license, from carrying a
9 concealed deadly weapon at a meeting of the body of which he or she is a
10 member;
- 11 (e) Any portion of an establishment licensed to dispense beer or alcoholic
12 beverages for consumption on the premises, which portion of the
13 establishment is primarily devoted to that purpose;
- 14 (f) Any elementary or secondary school facility without the consent of school
15 authorities as provided in KRS 527.070, any child-caring facility as defined in
16 KRS 199.011, any child-care~~[day-care]~~ center as defined in KRS 199.894, or
17 any certified family child-care home as defined in KRS 199.8982, except
18 however, any owner of a certified child-care home may carry a concealed
19 firearm into the owner's residence used as a certified child-care home;
- 20 (g) An area of an airport to which access is controlled by the inspection of
21 persons and property; or
- 22 (h) Any place where the carrying of firearms is prohibited by federal law.
- 23 (17) The owner, business or commercial lessee, or manager of a private business
24 enterprise, child-care~~[day-care]~~ center as defined in KRS 199.894 or certified or
25 licensed family child-care home as defined in KRS 199.8982, or a health-care
26 facility licensed under KRS Chapter 216B, except facilities renting or leasing
27 housing, may prohibit persons holding concealed deadly weapon licenses from

1 carrying concealed deadly weapons on the premises and may prohibit employees,
2 not authorized by the employer, holding concealed deadly weapons licenses from
3 carrying concealed deadly weapons on the property of the employer. If the building
4 or the premises are open to the public, the employer or business enterprise shall
5 post signs on or about the premises if carrying concealed weapons is prohibited.
6 Possession of weapons, or ammunition, or both in a vehicle on the premises shall
7 not be a criminal offense so long as the weapons, or ammunition, or both are not
8 removed from the vehicle or brandished while the vehicle is on the premises. A
9 private but not a public employer may prohibit employees or other persons holding
10 a concealed deadly weapons license from carrying concealed deadly weapons, or
11 ammunition, or both in vehicles owned by the employer, but may not prohibit
12 employees or other persons holding a concealed deadly weapons license from
13 carrying concealed deadly weapons, or ammunition, or both in vehicles owned by
14 the employee, except that the Justice and Public Safety Cabinet may prohibit an
15 employee from carrying any weapons, or ammunition, or both other than the
16 weapons, or ammunition, or both issued or authorized to be used by the employee
17 of the cabinet, in a vehicle while transporting persons under the employee's
18 supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both
19 in a location specified in this subsection by a license holder shall not be a criminal
20 act but may subject the person to denial from the premises or removal from the
21 premises, and, if an employee of an employer, disciplinary measures by the
22 employer.

23 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
24 section shall be used to administer the provisions of this section and KRS 237.138
25 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
26 the Administrative Office of the Courts shall submit reports to the Governor, the
27 President of the Senate, and the Speaker of the House of Representatives, indicating

1 the amounts of money collected and the expenditures related to this section, KRS
2 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
3 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
4 237.115, 244.125, 527.020, and 527.070.

5 (19) The General Assembly finds as a matter of public policy that it is necessary to
6 provide statewide uniform standards for issuing licenses to carry concealed firearms
7 and to occupy the field of regulation of the bearing of concealed firearms to ensure
8 that no person who qualifies under the provisions of this section is denied his or her
9 rights. The General Assembly does not delegate to the Department of Kentucky
10 State Police the authority to regulate or restrict the issuing of licenses provided for
11 in this section beyond those provisions contained in this section. This section shall
12 be liberally construed to carry out the constitutional right to bear arms for self-
13 defense.

14 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued
15 by another state of the United States to carry a concealed deadly weapon in
16 that state may, subject to provisions of Kentucky law, carry a concealed
17 deadly weapon in Kentucky, and his or her license shall be considered as valid
18 in Kentucky.

19 (b) If a person with a valid license to carry a concealed deadly weapon issued
20 from another state that has entered into a reciprocity agreement with the
21 Department of Kentucky State Police becomes a resident of Kentucky, the
22 license issued by the other state shall be considered as valid for the first one
23 hundred twenty (120) days of the person's residence in Kentucky, if within
24 sixty (60) days of moving to Kentucky, the person completes a form
25 promulgated by the Department of Kentucky State Police which shall include:

26 1. A signed and notarized statement averring that to the best of his or her
27 knowledge the person's license to carry a concealed deadly weapon is

- 1 valid and in compliance with applicable out-of-state law, and has not
2 been revoked or suspended for any reason except for valid forfeiture due
3 to departure from the issuing state;
- 4 2. The person's name, date of birth, citizenship, gender, Social Security
5 number if applicable, proof that he or she is a citizen of the United
6 States, a permanent resident of the United States, or otherwise lawfully
7 present in the United States, former out-of-state address, current address
8 within the state of Kentucky, date on which Kentucky residence began,
9 state which issued the concealed carry license, the issuing state's
10 concealed carry license number, and the state of issuance of license; and
- 11 3. A photocopy of the person's out-of-state license to carry a concealed
12 deadly weapon.
- 13 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
14 form and accompanying documents by registered or certified mail, return
15 receipt requested, to the address indicated on the form provided by the
16 Department of Kentucky State Police pursuant to this subsection.
- 17 (d) The out-of-state concealed carry license shall become invalid in Kentucky
18 upon the earlier of:
- 19 1. The out-of-state person having resided in Kentucky for more than one
20 hundred twenty (120) days; or
- 21 2. The person being issued a Kentucky concealed deadly weapon license
22 pursuant to this section.
- 23 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
24 after July 15, 1998, and not less than once every twelve (12) months
25 thereafter, make written inquiry of the concealed deadly weapon carrying
26 licensing authorities in each other state as to whether a Kentucky resident may
27 carry a concealed deadly weapon in their state based upon having a valid

1 Kentucky concealed deadly weapon license, or whether a Kentucky resident
2 may apply for a concealed deadly weapon carrying license in that state based
3 upon having a valid Kentucky concealed deadly weapon license. The
4 Department of Kentucky State Police shall attempt to secure from each other
5 state permission for Kentucky residents who hold a valid Kentucky concealed
6 deadly weapon license to carry concealed deadly weapons in that state, either
7 on the basis of the Kentucky license or on the basis that the Kentucky license
8 is sufficient to permit the issuance of a similar license by the other state. The
9 Department of Kentucky State Police shall enter into a written reciprocity
10 agreement with the appropriate agency in each state that agrees to permit
11 Kentucky residents to carry concealed deadly weapons in the other state on
12 the basis of a Kentucky-issued concealed deadly weapon license or that will
13 issue a license to carry concealed deadly weapons in the other state based
14 upon a Kentucky concealed deadly weapon license. If a reciprocity agreement
15 is reached, the requirement to recontact the other state each twelve (12)
16 months shall be eliminated as long as the reciprocity agreement is in force.
17 The information shall be a public record and shall be available to individual
18 requesters free of charge for the first copy and at the normal rate for open
19 records requests for additional copies.

20 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
21 statistical report to the Governor, the President of the Senate, and the Speaker of the
22 House of Representatives, indicating the number of licenses issued, revoked,
23 suspended, and denied since the previous report and in total and also the number of
24 licenses currently valid. The report shall also include the number of arrests,
25 convictions, and types of crimes committed since the previous report by individuals
26 licensed to carry concealed weapons.

27 (22) The following provisions shall apply to concealed deadly weapon training classes

1 conducted by the Department of Criminal Justice Training or any other agency
2 pursuant to this section:

- 3 (a) No concealed deadly weapon instructor trainer shall have his or her
4 certification as a concealed deadly weapon instructor trainer reduced to that of
5 instructor or revoked except after a hearing conducted pursuant to KRS
6 Chapter 13B in which the instructor is found to have committed an act in
7 violation of the applicable statutes or administrative regulations;
- 8 (b) No concealed deadly weapon instructor shall have his or her certification as a
9 concealed deadly weapon instructor license suspended or revoked except after
10 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is
11 found to have committed an act in violation of the applicable statutes or
12 administrative regulations;
- 13 (c) The department shall not require prior notification that an applicant class or
14 instructor class will be conducted by a certified instructor or instructor trainer;
- 15 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
16 concealed deadly weapon applicant or concealed deadly weapon instructor
17 class shall supply the Department of Criminal Justice Training with a class
18 roster indicating which students enrolled and successfully completed the class,
19 and which contains the name and address of each student, within five (5)
20 working days of the completion of the class. The information may be sent by
21 mail, facsimile, e-mail, or other method which will result in the receipt of or
22 production of a hard copy of the information. The postmark, facsimile date, or
23 e-mail date shall be considered as the date on which the notice was sent.
24 Concealed deadly weapon class applicant, instructor, and instructor trainer
25 information and records shall be confidential. The department may release to
26 any person or organization the name, address, and telephone number of a
27 concealed deadly weapon instructor or instructor trainer if that instructor or

- 1 instructor trainer authorizes the release of the information in writing. The
2 department shall include on any application for an instructor or instructor
3 trainer certification a statement that the applicant either does or does not
4 desire the applicant's name, address, and telephone number to be made public;
- 5 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
6 instructor class or concealed deadly weapon applicant class for more than two
7 (2) hours shall be considered as to have taught a class for the purpose of
8 maintaining his or her certification. All class record forms shall include spaces
9 for assistant instructors to sign and certify that they have assisted in the
10 conduct of a concealed deadly weapon instructor or concealed deadly weapon
11 class;
- 12 (f) An instructor who assists in the conduct of a concealed deadly weapon
13 applicant class for more than two (2) hours shall be considered as to have
14 taught a class for the purpose of maintaining his or her license. All class
15 record forms shall include spaces for assistant instructors to sign and certify
16 that they have assisted in the conduct of a concealed deadly weapon class;
- 17 (g) If the Department of Criminal Justice Training believes that a firearms
18 instructor trainer or certified firearms instructor has not in fact complied with
19 the requirements for teaching a certified firearms instructor or applicant class
20 by not teaching the class as specified in KRS 237.126, or who has taught an
21 insufficient class as specified in KRS 237.128, the department shall send to
22 each person who has been listed as successfully completing the concealed
23 deadly weapon applicant class or concealed deadly weapon instructor class a
24 verification form on which the time, date, date of range firing if different from
25 the date on which the class was conducted, location, and instructor of the class
26 is listed by the department and which requires the person to answer "yes" or
27 "no" to specific questions regarding the conduct of the training class. The

1 form shall be completed under oath and shall be returned to the Department of
2 Criminal Justice Training not later than forty-five (45) days after its receipt. A
3 person who fails to complete the form, to sign the form, or to return the form
4 to the Department of Criminal Justice Training within the time frame
5 specified in this section or who, as a result of information on the returned
6 form, is determined by the Department of Criminal Justice Training,
7 following a hearing pursuant to KRS Chapter 13B, to not have received the
8 training required by law shall have his or her concealed deadly weapon
9 license revoked by the Department of Kentucky State Police, following a
10 hearing conducted by the Department of Criminal Justice Training pursuant to
11 KRS Chapter 13B, at which hearing the person is found to have violated the
12 provisions of this section or who has been found not to have received the
13 training required by law;

14 (h) The department shall annually, not later than December 31 of each year,
15 report to the Legislative Research Commission:

- 16 1. The number of firearms instructor trainers and certified firearms
17 instructors whose certifications were suspended, revoked, denied, or
18 who were otherwise disciplined;
- 19 2. The reasons for the imposition of suspensions, revocations, denials, or
20 other discipline; and
- 21 3. Suggestions for improvement of the concealed deadly weapon applicant
22 training program and instructor process;

23 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
24 or enters an Alford plea to a felony offense, then his or her concealed deadly
25 weapon license shall be forthwith revoked by the Department of Kentucky
26 State Police as a matter of law;

27 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,

1 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
2 concealed deadly weapon instructor certification or concealed deadly weapon
3 instructor trainer certification shall be revoked by the Department of Criminal
4 Justice Training as a matter of law; and

5 (k) The following shall be in effect:

6 1. Action to eliminate the firearms instructor trainer program is prohibited.
7 The program shall remain in effect, and no firearms instructor trainer
8 shall have his or her certification reduced to that of certified firearms
9 instructor;

10 2. The Department of Kentucky State Police shall revoke the concealed
11 deadly weapon license of any person who received no firearms training
12 as required by KRS 237.126 and administrative regulations, or who
13 received insufficient training as required by KRS 237.128 and
14 administrative regulations, if the person voluntarily admits nonreceipt of
15 training or admits receipt of insufficient training, or if either nonreceipt
16 of training or receipt of insufficient training is proven following a
17 hearing conducted by the Department of Criminal Justice Training
18 pursuant to KRS Chapter 13B.

19 ➔Section 101. KRS 260.032 is amended to read as follows:

20 The Commissioner of the Kentucky Department of Agriculture shall submit an annual
21 report to the Interim Joint Committee on Health, Welfare, and Family Services ~~and~~
22 ~~Welfare~~ and the Interim Joint Committee on Agriculture, which includes but is not
23 limited to:

- 24 (1) The amount of funding received for the Kentucky Farmers Market Nutrition
25 Program;
- 26 (2) The economic impact of the program;
- 27 (3) Strategies implemented to market the program and improve nutrition; and

1 (4) Statistics related to the number of individuals served and farmers' markets
2 participating in the program.

3 ➔Section 102. KRS 260.166 is amended to read as follows:

4 (1) The Kentucky Grape and Wine Council, created in KRS 260.165 to promote and
5 facilitate the development of a grape, grape products, and wine industry, may:

6 (a) Conduct and contract with others to conduct research on grapes, grape
7 products, and wine in Kentucky and elsewhere for use in Kentucky, including
8 but not limited to:

- 9 1. Methods of marketing, market development, and distribution;
- 10 2. Methods of storage, refrigeration, processing, and transportation;
- 11 3. Methods of production and product development;
- 12 4. Methods of agronomic, enological, and viticultural practices to improve
13 these practices in Kentucky; and
- 14 5. Economic benefits and impact from the industry;

15 (b) Publish and provide and contract with others to publish and provide
16 wholesalers and retailers in the Kentucky grape, grape products, and wine
17 industry with information on proper methods of handling and selling grapes,
18 grape products, and wine;

19 (c) Publish and provide and contract with others to publish and provide producers
20 of Kentucky grapes, grape products, and wine, as well as the general public,
21 with information relating to Kentucky grapes, grape products, and wine; and

22 (d) Design and implement or contract with others to design and implement
23 activities relating to Kentucky grapes, grape products, and wine, including but
24 not limited to:

- 25 1. Market surveys and analyses;
- 26 2. Industry promotion programs;
- 27 3. Market maintenance and expansion plans;

- 1 4. Education programs;
- 2 5. Public relations programs;
- 3 6. Economic impact analyses; and
- 4 7. Other analysis or research relating to the promotion and sale of
- 5 Kentucky grapes, grape products, and wine.
- 6 (2) The Kentucky Grape and Wine Council, to the extent that funds are available, shall:
- 7 (a) Promote the sale of grapes, grape products, and wine for the purpose of
- 8 maintaining and expanding present markets and creating new markets for
- 9 Kentucky grapes, grape products, and wine for the maximum economic
- 10 impact on the agricultural economy of Kentucky;
- 11 (b) Inform the public, producers, and vendors about Kentucky grapes, grape
- 12 products, and wine, including uses and benefits of these products;
- 13 (c) Advise the Commissioner to:
- 14 1. Expend moneys from the Kentucky Grape and Wine Council fund
- 15 created in KRS 260.168 to carry out the duties and recommendations of
- 16 the council; and
- 17 2. Hire staff to carry out the duties and recommendations of the council;
- 18 and
- 19 3. Promulgate administrative regulations to carry out the duties and
- 20 recommendations of the council;
- 21 (d) Coordinate with the Kentucky Department of Agriculture and other state
- 22 agencies in carrying out these duties;
- 23 (e) Report annually to the Governor and the General Assembly on the activities
- 24 of the Kentucky Grape and Wine Council; and
- 25 (f) Report by November 1 of each year to the Interim Joint Committee on
- 26 Licensing, ***Occupations, and Administrative Regulations***~~[- and Occupations]~~
- 27 of the Kentucky General Assembly and the Agricultural Development Board

1 on the coordination between Kentucky wineries and Kentucky wholesalers to
2 promote the availability of Kentucky wine to retailers.

3 ➔Section 103. KRS 278.050 is amended to read as follows:

4 (1) The Public Service Commission shall consist of three (3) members appointed by the
5 Governor with the advice and consent of the Senate. If the Senate is not in session
6 when a term expires or a vacancy occurs, the Governor shall make the appointment
7 to take effect at once, subject to the approval of the Senate when convened.
8 Appointments to the Public Service Commission made more than ninety (90) days
9 prior to a regular session of the General Assembly shall be subject to confirmation
10 by the Joint Interim Committee on Natural Resources and Energy. Each of the
11 three (3) members of the commission shall be appointed on or before the first day
12 of July, 1982, for staggered terms as follows: one (1) shall serve until the first day
13 of July, 1983, one (1) until the first day of July, 1984, and one (1) until the first day
14 of July, 1985, and thereafter for a term of four (4) years and until a successor is
15 appointed and qualified. Each member of the commission shall be a full-time
16 employee as defined in KRS 18A.005(17).

17 (2) The Governor shall appoint one (1) of the commissioners on the commission to act
18 as chairman thereof and the chairman shall be the chief executive officer of the
19 commission. The Governor shall designate one (1) of the commissioners on the
20 commission to serve as vice chairman thereof and act for the chairman in the latter's
21 absence.

22 (3) Vacancies for unexpired terms shall be filled in the same manner as original
23 appointments, but the appointee shall hold office only to the end of the unexpired
24 term.

25 ➔Section 104. KRS 278.541 is amended to read as follows:

26 In addition to the definitions set forth in KRS 278.010 and 278.516(2), the following
27 definitions shall apply to KRS 278.541 to 278.544:

- 1 (1) "Basic local exchange service" means a retail telecommunications service
2 consisting of a primary, single, voice-grade line provided to the premises of
3 residential or business customers with the following features and functions only:
- 4 (a) Unlimited calls within the telephone utility's local exchange area;
 - 5 (b) Dual-tone multifrequency dialing; and
 - 6 (c) Access to the following:
 - 7 1. 911 emergency service;
 - 8 2. All locally available interexchange companies;
 - 9 3. Directory assistance;
 - 10 4. Operator services;
 - 11 5. Relay services; and
 - 12 6. A standard alphabetical directory listing that includes names, addresses,
13 and telephone numbers at no additional charge.

14 With respect to local exchange carriers, basic local exchange service also shall
15 include any mandatory extended area service routes accessible as a local call within
16 that exchange area on or before July 12, 2006. Basic local exchange service does
17 not include any features or functions other than those listed in this subsection, nor
18 any other communications service, even if such service should include features and
19 functions listed herein;

- 20 (2) "Electing utility" means a telephone utility that elects to operate under KRS
21 278.543;
- 22 (3) "Local exchange carrier" or "LEC" has the same meaning as defined in 47 U.S.C.
23 sec. 153(32)~~[153(26)]~~;
- 24 (4) "Incumbent local exchange carrier" or "ILEC" has the same meaning as defined in
25 47 U.S.C. sec. 251(h);
- 26 (5) "Nonbasic service" means all retail telecommunications services provided to a
27 residential or business customer, all arrangements with respect to those services,

1 and all packages of products or services; provided, however, nonbasic service
 2 includes basic local exchange service only if the customer chooses to purchase a
 3 package that includes basic local exchange service as a component of the package;

4 (6) "Optional telephone feature" means any of those central office-based features that
 5 were tariffed by a local exchange carrier on or before February 1, 2006, that, where
 6 available:

- 7 (a) Are available to a line-side connection in a telephone switch; ~~and~~
- 8 (b) Are available on a stand-alone basis separate from a bundled offering; and
- 9 (c) Enhance the utility of basic local exchange service.

10 The term includes but is not limited to call forwarding, call waiting, and caller ID;

11 (7) "Package" means combinations of retail products or services offered, whether at a
 12 single price or with the availability of the price for one (1) product or service
 13 contingent on the purchase of others; and

14 (8) "Telephone utility" includes local exchange carriers and telecommunications
 15 carriers as those terms are defined in 47 U.S.C. sec. 153 and any federal regulations
 16 implementing that section, except that the definition shall not include commercial
 17 mobile radio service providers as defined in 47 U.S.C. sec. 332 and the Federal
 18 Communications Commission's lawful regulations promulgated thereunder.

19 ➔Section 105. KRS 281.605 is amended to read as follows:

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

21 (1) Motor vehicles used as school buses and while engaged in the transportation of
 22 students, under the supervision and control and at the direction of school
 23 authorities;

24 (2) Except as provided in paragraph (e) of this subsection, motor vehicles, regardless of
 25 ownership, used exclusively:

26 (a) For the transportation of agricultural and dairy products, including fruit,
 27 livestock, meats, fertilizer, wood, lumber, cotton, products of grove or

- 1 orchard, poultry, and eggs, while owned by the producer of the products,
2 including landlord where the relation of landlord and tenant or landlord and
3 cropper is involved, from the farm to a market, warehouse, dairy, or mill, or
4 from one (1) market, warehouse, dairy, or mill to another market, warehouse,
5 dairy, or mill. As used in this paragraph and in paragraph (b) of this
6 subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas,
7 llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine,
8 equine, or camelid species;
- 9 (b) For the transportation of agricultural and dairy products, livestock, farm
10 machinery, feed, fertilizer, and other materials and supplies essential to farm
11 operation, from market or shipping terminal to farm;
- 12 (c) For both the purposes described in paragraphs (a) and (b) of this subsection;
- 13 (d) For the transportation of agricultural and dairy products from farm to
14 regularly organized fairs and exhibits and return; or
- 15 (e) Motor vehicles used for the transportation of fly ash, in bags, sacks, or other
16 containers, the aggregate weight of which does not exceed ten thousand
17 (10,000) pounds; or bottom ash, waste ash, sludge, and pozatec which is being
18 removed from the premises of a power generator facility for the purpose of
19 disposal;
- 20 (3) Motor vehicles used exclusively as church buses and while operated in the
21 transportation of persons to and from a church or place of worship or for other
22 religious work under the supervision and control and at the direction of church
23 authorities;
- 24 (4) Motor vehicles used exclusively for the transportation of property belonging to a
25 nonprofit cooperative association or its members where the vehicle is owned or
26 leased exclusively by the association;
- 27 (5) Motor vehicles owned in whole or in part by any person and used by such person to

1 transport commodities of which such person is the bona fide owner, lessee,
2 consignee, or bailee; provided, however, that such transportation is for the purpose
3 of sale, lease, rent, or bailment, and is an incidental adjunct to an established private
4 business owned and operated by such person within the scope and in furtherance of
5 any primary commercial enterprise of such person other than the business of
6 transportation of property for hire;

7 (6) Motor vehicles used in pick-up or delivery service within a city or within a city and
8 its commercial area for a carrier by rail;

9 (7) Motor vehicles used exclusively for the transportation of coal from the point at
10 which such coal is mined to a railhead or tipple where the railhead or tipple is
11 located at a point not more than fifty (50) air miles from the point at which the coal
12 is mined;

13 (8) Motor vehicles used as ambulances in transporting wounded, injured, or sick
14 animals or as ambulances as defined in KRS 311A.010;

15 (9) Motor vehicles used by transit authorities as created and defined in KRS Chapter
16 96A except as required by KRS 96A.170. Vehicles operated under the authority and
17 direct responsibility of such transit authorities, through contractual agreement, shall
18 be included within this exemption, without regard to the legal ownership of the
19 vehicles, but only for such times as they are operated under the authority and
20 responsibility of the transit authority;

21 (10) Motor vehicles having a seating capacity of fifteen (15) or fewer passengers and
22 while transporting persons between their places of residence, on the one hand, and,
23 on the other, their places of employment, provided the driver himself or herself is
24 on his or her way to or from his or her place of employment, and further provided
25 that any person who operates or controls the operation of vehicles hereunder of
26 which said person is the owner or lessee, and any spouse of said person and any
27 partnership or corporation with said person or his or her spouse having an interest

- 1 therein doing such, shall be eligible to so operate an aggregate number of not more
2 than one (1) vehicle on other than a nonprofit basis;
- 3 (11) Motor vehicles used to transport cash letters, data processing material, instruments,
4 or documents, regardless of the ownership of any of said cash letters, data
5 processing material, instruments, or documents;
- 6 (12) Motor vehicles operated by integrated intermodal small package carriers who
7 provide intermodal-air-and-ground-transportation. For the purposes of this section,
8 "integrated intermodal small package carrier" shall mean an air carrier holding a
9 certificate or qualifying as an indirect air carrier that undertakes, by itself or through
10 a company affiliated through common ownership, to provide intermodal-air-and-
11 ground-transportation, and "intermodal-air-and-ground-transportation" shall mean
12 transportation involving the carriage of articles weighing not more than one
13 hundred fifty (150) pounds by aircraft or other forms of transportation, including by
14 motor vehicle, wholly within the Commonwealth of Kentucky. The incidental or
15 occasional use of aircraft in transporting packages or articles shall not constitute an
16 integrated intermodal operation within the meaning of this section;
- 17 (13) Motor vehicles operated pursuant to a grant of funds in furtherance of and governed
18 by 49 U.S.C. secs. 5310 or 5311, including all amendments, and whose operators
19 have jurisdictions and services approved annually by the Transportation Cabinet in
20 accordance with 49 C.F.R. Title VI;
- 21 (14) Motor vehicles used to transport children to educational events or conservation
22 camps run by, or sponsored by, the Department of Fish and Wildlife Resources;
- 23 (15) Motor vehicles used to transport children to events or camps run by, or sponsored
24 by, the Kentucky Sheriffs Association; or
- 25 (16) (a) Motor vehicles used in the transportation of persons who are eighteen (18)
26 years of age or older, if the motor vehicles are owned by a nonprofit
27 organization or being used on behalf of a nonprofit organization that is

1 exempt from federal income tax under Section 501(c)(3) of the Internal
2 Revenue Code.

3 (b) Motor vehicles owned and operated by a nonprofit organization that are
4 exempt under this subsection shall be subject to liability insurance coverage
5 as established by KRS 281.655.

6 (c) Motor vehicles owned privately but operated on behalf of a nonprofit
7 organization that are exempt under this subsection shall be subject to liability
8 insurance coverage as established by KRS 304.39-110.

9 ➔Section 106. KRS 281.631 is amended to read as follows:

10 (1) No person shall act as a motor carrier without first obtaining a motor carrier vehicle
11 license from the department for each motor carrier vehicle.

12 (2) Application for and renewal of a motor carrier vehicle license shall be made in such
13 form as the department may require. Every motor carrier vehicle license shall be
14 renewed annually.

15 (3) (a) Except as permitted under paragraph (b) of this subsection, an applicant or
16 license holder shall pay to the department the following annual license fees:

17 1. Thirty dollars (\$30) for each taxicab, limousine, TNC, or disabled
18 persons vehicle;

19 2. Ten dollars (\$10) for each motor carrier vehicle transporting household
20 goods for hire;

21 3. One hundred dollars (\$100) for each charter bus or bus;

22 4. Fifteen dollars (\$15) for each motor carrier vehicle operating as a U-
23 Drive-It;

24 5. Ten dollars (\$10) for each motor carrier vehicle transporting property
25 other than household goods and those exempt under KRS 281.605;

26 6. Ten dollars (\$10) for each motor carrier vehicle operating as a
27 driveaway; and

- 1 7. Ten dollars (\$10) for each automobile utility trailer.
- 2 (b) The cabinet may promulgate administrative regulations to set forth an optional
3 motor carrier vehicle license fee schedule under this subsection on a bulk
4 basis for applicants who employ or contract with more than fifty (50)
5 vehicles. Bulk application fees under these administrative regulations may use
6 a tiered system based on the type of certificate and the number of vehicles.
- 7 (4) Before the department may issue or renew a motor carrier vehicle license, the
8 applicant or license holder shall:
- 9 (a) Pay the fee established under subsection (3) of this section;
- 10 (b) For a taxicab, limousine, disabled persons vehicle, TNC vehicle, charter bus,
11 and bus, provide a copy of the vehicle registration for each out-of-state
12 registered motor carrier vehicle being licensed, and if necessary, a statement
13 showing that the driver is an insured driver of the vehicle, and that the
14 registered owner or lessee authorizes the use of the vehicle for TNC services;
15 and
- 16 (c) For a taxicab, limousine, disabled persons vehicle, TNC vehicle, charter bus,
17 and bus, obtain and retain for a period of at least three (3) years, an inspection
18 of the motor vehicle in the manner and form as the department may require.
- 19 (5) No motor carrier vehicle shall be operated after the expiration of the motor carrier
20 vehicle license under which it is operated.
- 21 (6) All cities or counties of the Commonwealth may impose an annual license fee on an
22 intrastate taxicab, limousine, or disabled persons vehicle operated from said city or
23 county. The annual license fee shall not exceed thirty dollars (\$30) per vehicle.
- 24 (7) Notwithstanding any other provisions of this section, nonresident motor carriers
25 engaged in transporting passengers for hire in irregular route interstate charter or
26 special operations shall be exempt from all fees prescribed in this chapter, if
27 reciprocal privileges are granted to similar nonresident carriers by the laws and

1 regulations of his or her state.

2 (8) If any person required to pay a license fee under subsection (3) of this section
3 begins the operation of an additional motor carrier vehicle after the date of its
4 certificate or renewal, the fee shall be as many twelfths of the annual fee as there
5 are unexpired months in the certificate or renewal year.

6 (9) The department may promulgate administrative regulations as it deems necessary to
7 carry out this section.

8 ➔Section 107. KRS 286.5-730 is amended to read as follows:

9 (1) Each report required of associations by this subtitle shall be made to the
10 commissioner and the association making the report shall pay to the commissioner a
11 filing fee of two dollars (\$2).

12 (2) Each association shall pay the following fee to the commissioner immediately upon
13 completion of its examination:

14 (a) Associations having assets of twenty thousand dollars (\$20,000) or less shall
15 pay twenty dollars (\$20);

16 (b) Associations having assets of over twenty thousand dollars (\$20,000) but less
17 than fifty thousand dollars (\$50,000) shall pay twenty-five dollars (\$25);

18 (c) Associations having assets of fifty thousand dollars (\$50,000) but not over
19 one hundred thousand dollars (\$100,000) shall pay thirty-five dollars (\$35);

20 (d) Associations having assets of more than one hundred thousand dollars
21 (\$100,000) shall pay thirty-five dollars (\$35) for the first one hundred
22 thousand dollars (\$100,000) and five dollars (\$5) for each additional one
23 hundred thousand dollars (\$100,000) or fraction thereof.

24 (3) No association shall be required to pay for more than one (1) examination each
25 year, unless such examination is necessary because of the association's failure to
26 file reports required by this subtitle.

27 ➔Section 108. KRS 304.2-130 is amended to read as follows:

- 1 (1) The commissioner may invoke the aid of the courts through injunction or other
2 proper process, mandatory or otherwise, to enjoin any existing or threatened
3 violation of any provision of this code, or to enforce any proper order made by him
4 or her or action taken by him or her.
- 5 (2) If the commissioner has reason to believe that any person has violated any
6 provision of this code, or other law applicable to insurance operations, for which
7 criminal prosecution is provided and in his or her opinion would be in order, the
8 commissioner shall give the information relative thereto to the appropriate
9 Commonwealth's~~Commonwealth~~ attorney or to the Attorney General. The
10 Commonwealth's~~Commonwealth~~ attorney or Attorney General shall promptly
11 institute such action or proceedings against such person as in his or her opinion the
12 information may require or justify.
- 13 (3) Whenever the commissioner may deem it necessary, he or she may employ counsel,
14 or call upon the Attorney General of this state for legal counsel and such assistance
15 as may be necessary.
- 16 (4) The Attorney General upon request of the commissioner is authorized to proceed in
17 the courts of any other state or in any federal court or agency to enforce an order or
18 decision in any court proceeding or in any administrative proceeding before the
19 commissioner.
- 20 ➔Section 109. KRS 304.14-642 is amended to read as follows:
- 21 (1) The Kentucky Long-Term Care Partnership Insurance Program is established as a
22 partnership between the Department for Medicaid Services and the Department of
23 Insurance to:
- 24 (a) Provide incentives for an individual to insure against the cost of providing for
25 his or her long-term care needs;
- 26 (b) Increase utilization of long-term care insurance policies;
- 27 (c) Assist in alleviating the financial burden of Kentucky's Medicaid program by

- 1 encouraging the use of private insurance; and
- 2 (d) Provide a mechanism for individuals to qualify for Medicaid services for costs
3 of long-term care without exhausting all of their assets and resources.
- 4 (2) A long-term care partnership insurance policy shall:
- 5 (a) Provide coverage for expenses for at least twelve (12) months for each
6 covered person on an expense-incurred, indemnity, or prepaid basis for one
7 (1) or more long-term care services provided in a setting other than an acute
8 care unit of a hospital;
- 9 (b) Be qualified under Section 7702B(b) of the Internal Revenue Code of 1986;
- 10 (c) Provide coverage for long-term care services for a policyholder who is a
11 resident of a state with a qualified long-term care partnership program when
12 coverage first became effective; and
- 13 (d) Not be issued prior to the effective date of an approved amendment to the
14 State Medicaid Plan.
- 15 (3) The Department of Insurance shall have responsibility to approve, pursuant to KRS
16 304.14-120, any long-term care partnership insurance policy available in Kentucky
17 that meets and continues to meet all applicable federal and state laws and
18 regulations. The state shall not impose any requirement affecting the terms or
19 benefits of such a policy unless the state imposes such requirement on long-term
20 care insurance policies without regard to whether the policy is covered under the
21 partnership or is offered in connection with the partnership.
- 22 (4) The Department of Insurance shall ensure that any agent who sells a long-term care
23 partnership insurance policy can demonstrate an understanding of long-term care
24 partnership insurance and how it relates to other public and private coverage of
25 long-term care expenses. The Department for Medicaid Services shall provide
26 consultation, materials, and other information to the Department of Insurance to
27 enable the Department of Insurance to facilitate the development and issuance of

1 uniform training materials for agents who sell long-term care insurance policies.
2 The Department of Insurance may contract with another entity to conduct agent
3 training and testing. Training and certification may be conducted at the expense of
4 the insurance agent.

5 (5) Within sixty (60) days of notice of approval of the amendment to the State
6 Medicaid Plan required under KRS 205.619, the Department of Insurance shall
7 promulgate an administrative regulation pursuant to KRS Chapter 13A to
8 implement the Kentucky Long-Term Care Partnership Insurance Program.

9 (6) The Department of Insurance and the Department for Medicaid Services shall
10 report no later than September 30 each year to the Interim Joint Committee on
11 Banking and Insurance and the Interim Joint Committee on Health, Welfare, and
12 Family Services ~~[and Welfare]~~ on the number of partnership insurance policies sold
13 in Kentucky, utilization of the partnership insurance policies, and expenditures and
14 cost savings associated with implementation, utilization, and maintenance of the
15 partnership program. If national data reporting standards become available, the
16 report submitted to the federal agency shall meet the requirements of this
17 subsection.

18 ➔Section 110. KRS 304.47-020 is amended to read as follows:

19 (1) For the purposes of this subtitle, a person or entity commits a "fraudulent insurance
20 act" if he or she engages in any of the following, including but not limited to
21 matters relating to workers' compensation:

22 (a) Knowingly and with intent to defraud or deceive presents, causes to be
23 presented, or prepares with knowledge or belief that it will be presented to an
24 insurer, Board of Claims, Special Fund, or any agent thereof:

25 1. Any written or oral statement as part of, or in support of, a claim for
26 payment or other benefit pursuant to an insurance policy or from a "self-
27 insurer" as defined by KRS Chapter 342, knowing that the statement

- 1 contains any false, incomplete, or misleading information concerning
2 any fact or thing material to a claim; or
- 3 2. Any statement as part of, or in support of, an application for an
4 insurance policy, for renewal, reinstatement, or replacement of
5 insurance, or in support of an application to a lender for money to pay a
6 premium, knowing that the statement contains any false, incomplete, or
7 misleading information concerning any fact or thing material to the
8 application;
- 9 (b) Knowingly and willfully transacts any contract, agreement, or instrument
10 which violates this subtitle[title];
- 11 (c) Knowingly and with intent to defraud or deceive:
- 12 1. Receives money for the purpose of purchasing insurance, and fails to
13 obtain insurance;
- 14 2. Fails to make payment or disposition of money or voucher as defined in
15 KRS 304.17A-750, as required by agreement or legal obligation, that
16 comes into his or her possession while acting as a licensee under this
17 chapter;
- 18 3. Presents, causes to be presented, or prepares with knowledge or belief
19 that it will be presented to or by an insurer, or to the commissioner, any
20 statement, knowing that the statement contains any false, incomplete, or
21 misleading information concerning any material fact or thing, as part of,
22 or in support of one (1) or more of the following:
- 23 a. The rating of an insurance policy;
- 24 b. The financial condition of an insurer;
- 25 c. The formation, acquisition, merger, reconsolidation, dissolution, or
26 withdrawal from one (1) or more lines of insurance in all or part of
27 this Commonwealth by an insurer; or

- 1 d. A document filed with the commissioner; or
- 2 4. Engages in any of the following:
- 3 a. Solicitation or acceptance of new or renewal insurance risks on
- 4 behalf of an insolvent insurer; or
- 5 b. Removal, concealment, alteration, tampering, or destruction of
- 6 money, records, or any other property or assets of an insurer;
- 7 (d) Issues or knowingly presents fake or counterfeit insurance policies,
- 8 certificates of insurance, insurance identification cards, insurance binders, or
- 9 any other documents that purport to evidence insurance;
- 10 (e) Makes any false or fraudulent representation as to the death or disability of a
- 11 policy or certificate holder in any written statement or certificate for the
- 12 purpose of fraudulently obtaining money or benefit from an insurer;
- 13 (f) Engages in unauthorized insurance, as set forth in KRS 304.11-030; or
- 14 (g) Assists, abets, solicits, or conspires with another to commit a fraudulent
- 15 insurance act in violation of this subtitle.
- 16 (2) A person convicted of a violation of subsection (1) of this section shall be guilty of
- 17 a Class A misdemeanor, unless the aggregate of the claim, benefit, or money
- 18 referred to in subsection (1) of this section is:
- 19 (a) Five hundred dollars (\$500) or more but less than ten thousand dollars
- 20 (\$10,000), in which case it is a Class D felony;
- 21 (b) Ten thousand dollars (\$10,000) or more but less than one million dollars
- 22 (\$1,000,000), in which case it is a Class C felony; or
- 23 (c) One million dollars (\$1,000,000) or more, in which case it is a Class B felony.
- 24 (3) A person, with the purpose to establish or maintain a criminal syndicate or to
- 25 facilitate any of its activities, shall be guilty of engaging in organized crime, a Class
- 26 B felony, if he or she engages in any of the activities set forth in KRS 506.120(1).
- 27 (4) A person convicted of a crime established in this section shall be punished by:

- 1 (a) Imprisonment for a term:
- 2 1. Not to exceed the period set forth in KRS 532.090 if the crime is a Class
- 3 A misdemeanor; or
- 4 2. Within the periods set forth in KRS 532.060 if the crime is a Class D, C,
- 5 or B felony;
- 6 (b) A fine, per occurrence, of:
- 7 1. For a misdemeanor, not more than one thousand dollars (\$1,000) per
- 8 individual nor five thousand dollars (\$5,000) per corporation or twice
- 9 the amount of gain received as a result of the violation, whichever is
- 10 greater; or
- 11 2. For a felony, not more than ten thousand dollars (\$10,000) per
- 12 individual nor one hundred thousand dollars (\$100,000) per corporation,
- 13 or twice the amount of gain received as a result of the violation;
- 14 whichever is greater; or
- 15 (c) Both imprisonment and a fine, as set forth in paragraphs (a) and (b) of this
- 16 subsection.
- 17 (5) In addition to imprisonment, the assessment of a fine, or both, a person convicted of
- 18 a crime established in this section may be ordered to make restitution to any victim
- 19 who suffered a monetary loss due to any actions by that person which resulted in
- 20 the adjudication of guilt, and to the division for the cost of any investigation. The
- 21 amount of restitution shall equal the monetary value of the actual loss or twice the
- 22 amount of gain received as a result of the violation, whichever is greater.
- 23 (6) Any person damaged as a result of a violation of any provision of this section shall
- 24 have a cause of action to recover compensatory damages, plus all reasonable
- 25 investigation and litigation expenses, including attorneys' fees, at the trial and
- 26 appellate courts.
- 27 (7) The provisions of this section shall also apply to any agent, unauthorized insurer or

1 its agents or representatives, or surplus lines carrier who, with intent, injures,
2 defrauds, or deceives any claimant with regard to any claim. The claimant shall
3 have the right to recover the damages provided in subsection (6) of this section.

4 ➔Section 111. KRS 304.48-080 is amended to read as follows:

5 A liability self-insurance group shall notify the commissioner~~[executive director]~~
6 immediately of any change in the information required to be filed under KRS 304.48-050
7 or in the manner of its compliance with KRS 304.48-070.

8 ➔Section 112. KRS 304.50-145 is amended to read as follows:

9 Nothing in this subtitle nor any administrative regulation adopted under the authority of
10 this subtitle shall require any workers' compensation self-insured group formed by
11 governmental entities or its members to take any action in violation of the Constitution of
12 the Commonwealth. Nothing in this subtitle nor any administrative regulations
13 promulgated by the commissioner~~[executive director]~~ shall change the obligation of a
14 workers' compensation self-insured group to comply with KRS Chapter 342.

15 ➔Section 113. KRS 309.325 is amended to read as follows:

16 As used in KRS 309.325 to 309.339, unless the context requires otherwise:

- 17 (1) "Board" means the Kentucky Board of Licensed Diabetes Educators;
- 18 (2) "Diabetes education" means a comprehensive collaborative process through which
19 people with or at risk for diabetes gain the knowledge and skills needed to modify
20 behavior and successfully self-manage the disease and its related conditions;
- 21 (3) "Licensed diabetes educator" means a health care professional who has met the
22 requirements of KRS 309.335, 309.337, and 309.339 and who focuses on training
23 or educating people with or at risk for diabetes and related conditions to change
24 their behavior to achieve better clinical outcomes and improved health status. The
25 nondiabetes educator health professional and the nonhealth-care professional who
26 provide or support health care services to individuals with diabetes as defined by
27 the ~~[American]~~ Association of Diabetes Care and Education

1 **Specialists**~~[Educators]~~, Competencies for Diabetes Educators, shall work under the
2 direction of a qualified diabetes care provider;

3 (4) "Practice of diabetes education" means assessing and developing a plan of care for a
4 person with or at risk of diabetes, identifying self-management goals for the person,
5 providing self-management training according to the plan, evaluating the
6 individual's outcome and recording a complete record of the individual's experience
7 and follow-ups;

8 (5) "Apprentice diabetes educator" means a person who holds a permit issued by the
9 board to practice diabetes education who meets the requirements of KRS 309.334
10 and the corresponding administrative regulations promulgated by the board; and

11 (6) "Master licensed diabetes educator" means a licensed diabetes educator who has
12 successfully completed the credentialing program of the ~~[American]~~ Association of
13 Diabetes **Care and Education Specialists**~~[Educators]~~ or the ~~[National]~~ Certification
14 Board for Diabetes **Care and Education**~~[Educators]~~ as a certified diabetes educator
15 or a board-certified advanced diabetes manager.

16 ➔Section 114. KRS 309.329 is amended to read as follows:

17 (1) There is hereby created the Kentucky Board of Licensed Diabetes Educators
18 consisting of five (5) members who shall be appointed by the Governor as follows:

19 (a) One (1) member shall be a licensed medical physician with experience in the
20 delivery of diabetes education appointed from a list of three (3) names
21 submitted by the State Board of Medical Licensure;

22 (b) One (1) member shall be a registered nurse with experience in diabetes
23 education appointed from a list of three (3) names submitted by the Kentucky
24 Board of Nursing;

25 (c) One (1) member shall be a pharmacist experienced in diabetes education,
26 licensed under KRS Chapter 315, and appointed from a list of three (3) names
27 submitted by the Kentucky Board of Pharmacy;

- 1 (d) One (1) member shall be a licensed dietitian or certified nutritionist with
2 experience in diabetes education appointed from a list of three (3) names
3 submitted by the Kentucky Board of Licensure and Certification for Dietitians
4 and Nutritionists; and
- 5 (e) One (1) member shall be a citizen at large who is not employed in the health
6 care field.

7 One (1) of the members appointed under paragraph (b), (c), or (d) of this subsection
8 shall have completed either the credentialing program of the ~~{American~~
9 ~~}~~Association of Diabetes Care and Education Specialists~~{Educators}~~ or the
10 ~~{National}~~Certification Board for Diabetes Care and Education~~{Educators}~~.

- 11 (2) (a) The Governor shall initially appoint one (1) member and the citizen at large to
12 terms of four (4) years, two (2) members to terms of three (3) years, and one
13 (1) member to a term of two (2) years.
- 14 (b) All reappointments to the board shall be for terms of four (4) years.
- 15 (c) No member shall serve more than two (2) consecutive terms and shall serve
16 on the board until his or her successor is appointed.
- 17 (3) The board shall organize annually and elect one (1) of its members as chair and one
18 (1) of its members as secretary. A quorum of the board shall consist of three (3)
19 members. The board shall meet at least semiannually and upon the call of the chair,
20 or at the request of two (2) or more members to the secretary of the board.
- 21 (4) The board shall be placed for administrative purposes under the Department of
22 Professional Licensing of the Public Protection Cabinet.

23 ➔Section 115. KRS 309.331 is amended to read as follows:

24 The board shall:

- 25 (1) Promulgate administrative regulations in accordance with KRS Chapter 13A to
26 carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics,
27 standards of practice, and continuing education requirements for licensed diabetes

- 1 educators, based upon policies and positions adopted by the ~~{American~~
2 ~~}Association of Diabetes Care and Education Specialists{Educators};~~
- 3 (2) Issue initial licenses and license renewals to individuals. A license shall not be
4 issued to a partnership, unincorporated association, corporation, or similar business
5 organization;
- 6 (3) Investigate alleged violations brought to its attention, conduct investigations, and
7 schedule and conduct administrative hearings in accordance with KRS Chapter 13B
8 to enforce KRS 309.325 to 309.339 and administrative regulations promulgated
9 pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is
10 authorized to:
- 11 (a) Administer oaths;
- 12 (b) Receive evidence;
- 13 (c) Interview persons;
- 14 (d) Require the production of books, papers, documents, or other evidence; and
- 15 (e) Institute civil and criminal proceedings against violators of KRS 309.325 to
16 309.339. The Attorney General, Commonwealth's attorneys, and county
17 attorneys shall assist the board in prosecuting violations of KRS 309.325 to
18 309.339;
- 19 (4) Keep a record of its proceedings and a register of all persons licensed as diabetes
20 educators, including the name of the licensee, the license number, date of issue, and
21 last known place of business. The list shall be available to anyone upon request and
22 payment of a fee not to exceed the cost of the publication;
- 23 (5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and
24 309.339 and deposit all moneys into the fund established by KRS 309.333; and
- 25 (6) Reimburse members of the board for actual travel expenses incurred for attending
26 the meetings of the board.
- 27 ➔Section 116. KRS 309.335 is amended to read as follows:

- 1 (1) An applicant for licensure as a diabetes educator shall:
- 2 (a) File a written application on forms provided by the board;
- 3 (b) Provide evidence to the board showing successful completion of one (1) of the
- 4 following:
- 5 1. A board-approved course in diabetes education with demonstrable
- 6 experience in the care of people with diabetes under supervision that
- 7 meets requirements specified in administrative regulations promulgated
- 8 by the board;
- 9 2. The credentialing program of the ~~[American]~~ Association of Diabetes
- 10 Care and Education Specialists~~[Educators]~~ or the ~~[National]~~
- 11 ~~]Certification Board for Diabetes~~ Care and Education~~[Educators]~~; or
- 12 3. An equivalent credentialing program as determined by the board; and
- 13 (c) Pay licensing amounts as promulgated by the board through administrative
- 14 regulation, with the following restrictions:
- 15 1. Initial licensing shall not exceed one hundred dollars (\$100);
- 16 2. Annual renewal shall not exceed one hundred dollars (\$100);
- 17 3. Biennial renewal shall not exceed two hundred dollars (\$200);
- 18 4. Late renewal shall not exceed one hundred fifty dollars (\$150); and
- 19 5. The reinstatement fee shall not exceed two hundred twenty-five dollars
- 20 (\$225).
- 21 (2) (a) Licenses or permits shall be renewed annually or biennially if the board
- 22 requires biennial license renewal by administrative regulation.
- 23 (b) Licenses or permits not renewed within thirty (30) days after the renewal date
- 24 shall pay a late penalty as promulgated by the board in administrative
- 25 regulation.
- 26 (c) Licenses or permits not renewed within ninety (90) days of the renewal date
- 27 shall lapse and may only be reinstated with payment of a reinstatement fee

1 and initial licensing amount as promulgated by the board in administrative
2 regulation.

3 (d) An apprentice diabetes educator shall not carry a permit for more than five (5)
4 years without becoming licensed.

5 (3) Notwithstanding subsections (1) and (2) of this section, prior to July 1, 2014, a
6 person who the board finds to have successfully achieved a core body of knowledge
7 and skills in the biological and social sciences, communication, counseling, and
8 education, by training or instruction, as well as experience in the care of people
9 with diabetes under supervision that meets the requirements specified in
10 administrative regulations promulgated by the board, may be issued an initial
11 license by the board upon payment of an initial licensing fee, completion of a
12 written application on forms provided by the board, and submission of any other
13 information requested by the board.

14 (4) Until May 1, 2014, notwithstanding subsection (1) of this section, individuals who
15 have practiced diabetes education for a minimum of one thousand (1,000) hours per
16 year for the past three (3) years, but are not currently credentialed by the ~~{American~~
17 ~~}~~Association of Diabetes Care and Education Specialists~~{Educators}~~ as a board-
18 certified advanced diabetes manager or by the ~~{National}~~Certification Board for
19 Diabetes Care and Education~~{Educators}~~ as a certified diabetes educator, may
20 apply to the board for licensure as a diabetes educator by submitting the initial
21 licensure fee and proof of employment, in order to continue to practice diabetes
22 education, as defined by KRS 309.325(2).

23 ➔Section 117. KRS 309.336 is amended to read as follows:

24 (1) An applicant for licensure as a master licensed diabetes educator shall:

25 (a) File a written application on forms provided by the board; and

26 (b) Provide proof of completion of the credentialing program of the ~~{American~~
27 ~~}~~Association of Diabetes Care and Education Specialists~~{Educators}~~ or the

1 ~~[National]~~ Certification Board for Diabetes Care and Education~~[Educators]~~
2 as a certified advanced diabetes manager or a certified diabetes educator.

3 (2) The board shall promulgate administrative regulations to do the following,
4 including but not limited to:

5 (a) Establish a fee for licensure; and

6 (b) Establish additional requirements for a master licensed diabetes educator as
7 the board determines are necessary.

8 ➔Section 118. KRS 311.410 is amended to read as follows:

9 (1) There is hereby created in the government of the Commonwealth a State Board of
10 Podiatry which shall consist of five (5) members, each appointed by the Governor.
11 Four (4) members shall be appointed from lists of three (3) names for each position
12 submitted by the Kentucky Podiatric Medical~~[Podiatry]~~ Association. One (1)
13 member shall be a citizen at large who is not associated with or financially
14 interested in the practice or business regulated. Any vacancy shall be filled for the
15 unexpired term by the Governor, as provided in the original appointment.

16 (2) A person to be eligible for appointment as a podiatrist member of the board shall be
17 at least twenty-one (21) years of age, of good moral character, a resident of this
18 state, and a licensed practicing podiatrist in this state for at least five (5)
19 consecutive years next preceding the date of his or her appointment. No member of
20 the board shall be a stockholder, officer or member of the faculty or board of
21 trustees of any school, college or institution of podiatry or chiropody.

22 (3) The terms of office of each member shall be four (4) years, or until his or her
23 successor shall be appointed and qualified.

24 (4) The board shall elect one (1) of its members as president and another of its
25 members as secretary. The secretary may, subject to approval by the board, employ
26 and fix the compensation of all personnel required for the administration of KRS
27 311.390 to 311.510. The board may make all rules and regulations, not inconsistent

1 with KRS 311.390 to 311.510, as may be necessary to implement and carry out the
2 provisions and purposes of KRS 311.390 to 311.510.

3 (5) The board shall hold meetings at least twice a year and as frequently as it deems
4 necessary at such times and places as the board may designate. A majority of the
5 members shall constitute a quorum.

6 (6) The board may sue and be sued in its own name.

7 (7) Members of the board shall be immune from suit in any civil or criminal action
8 which is based upon any official act or acts performed by them in good faith as
9 members of the board.

10 ➔Section 119. KRS 311.571 is amended to read as follows:

11 (1) No applicant who is a graduate of a medical or osteopathic school located within
12 the United States and its territories and protectorates or Canada shall be eligible for
13 a regular license to practice medicine in the Commonwealth unless the applicant:

14 (a) Is able to understandably speak, read, and write the English language;

15 (b) Has graduated from an accredited college or university or has satisfactorily
16 completed a collegiate course of study necessary for entry into an approved
17 medical or osteopathic school or college;

18 (c) Has graduated from a prescribed course of instruction in a medical or
19 osteopathic school or college situated in the United States or Canada and
20 approved by the board;

21 (d) Has satisfactorily completed a prescribed course of postgraduate training of a
22 duration to be established by the board in an administrative regulation
23 promulgated in accordance with KRS Chapter 13A, after consultation with the
24 University of Kentucky College of Medicine, the University of Louisville
25 School of Medicine, and the University of Pikeville-Kentucky
26 College~~[Pikeville College School]~~ of Osteopathic Medicine;

27 (e) Has successfully completed an examination prescribed by the board; and

- 1 (f) Has fulfilled all other reasonable qualifications for regular licensure that the
2 board may prescribe by regulation.
- 3 (2) No applicant who is a graduate of a medical or osteopathic school located outside
4 the United States or Canada shall be eligible for a regular license to practice
5 medicine in the Commonwealth unless the applicant:
- 6 (a) Is able to understandably speak, read, and write the English language;
- 7 (b) Has successfully completed a course of study necessary for entry into an
8 approved medical or osteopathic school or college;
- 9 (c) Has graduated from a prescribed course of instruction in a medical or
10 osteopathic school or college situated outside the United States or Canada and
11 approved by the board or is a citizen of the United States and has been
12 awarded a diploma by an approved medical or osteopathic school located
13 within the United States or Canada as part of a program designed to allow for
14 the transfer of students to such schools from schools located outside the
15 United States or Canada;
- 16 (d) Has successfully completed an examination prescribed by the board;
- 17 (e) Has been certified by the educational commission for foreign medical
18 graduates or by an approved United States specialty board;
- 19 (f) Has satisfactorily completed a prescribed course of postgraduate training of a
20 duration to be established by the board in an administrative regulation
21 promulgated in accordance with KRS Chapter 13A, after consultation with the
22 University of Kentucky College of Medicine, the University of Louisville
23 School of Medicine, and the University of Pikeville-Kentucky
24 College~~[Pikeville College School]~~ of Osteopathic Medicine; and
- 25 (g) Has fulfilled all other reasonable qualifications for regular licensure that the
26 board may prescribe by regulation.
- 27 (3) No applicant shall be eligible for a limited license-institutional practice unless the

- 1 applicant:
- 2 (a) Has fulfilled all the requirements for regular licensure as delineated in
3 subsection (1) of this section; or
- 4 (b) Has fulfilled the requirements for regular licensure as delineated in subsection
5 (2)(a) to (e) and (g) of this section and in addition has satisfactorily completed
6 a prescribed course of postgraduate training of at least one (1) full year's
7 duration approved by the board; and
- 8 (c) Has fulfilled all other reasonable qualifications for limited licensure that the
9 board may prescribe by regulation.
- 10 (4) The board may grant an applicant a limited license-institutional practice for a
11 renewable period of one (1) year if the applicant:
- 12 (a) Has fulfilled the requirements for regular licensure as delineated in subsection
13 (2)(a), (b), (d), (e), and (g) of this section;
- 14 (b) Has fulfilled the requirements for a limited license-institutional practice as
15 indicated in subsection (3)(c) of this section; and
- 16 (c) Has satisfactorily completed a prescribed course of postgraduate training of at
17 least one (1) full year's duration approved by the board.
- 18 (5) The board may grant an applicant a fellowship training license for a renewable
19 period of one (1) year if the applicant:
- 20 (a) Has been accepted for a fellowship approved by the administration of any of
21 Kentucky's medical schools and conducted under the auspices of that medical
22 school; or
- 23 (b) Has graduated from a medical school located outside the United States or
24 Canada that has been approved by the board, and:
- 25 1. Has been certified by the appropriate licensing authority in his or her
26 home country in the subject specialty of the fellowship; and
- 27 2. Is able to demonstrate that he or she is a physician of good character and

1 is in good standing in the country where he or she normally practices
2 medicine.

3 (6) (a) The board may grant an applicant a special faculty license for a renewable
4 period of one (1) year if the applicant:

- 5 1. Holds or has been offered a full-time faculty appointment at an
6 accredited Kentucky medical or osteopathic school approved by the
7 board and is nominated for a special faculty license by the dean of the
8 school of medicine or school of osteopathy;
- 9 2. Possesses a current valid license to practice medicine or osteopathy
10 issued by another state, country, or other jurisdiction;
- 11 3. Is able to understandably speak, read, and write the English language;
- 12 4. Is board certified in his or her specialty;
- 13 5. Is not otherwise eligible for a regular license under this chapter; and
14 6. Is not subject to denial of a license under any provision of this chapter.

15 (b) The applicant shall submit the fee established by administrative regulation
16 promulgated by the board for an initial license to practice medicine.

17 (c) An applicant approved for a license under this subsection shall not engage in
18 the practice of medicine or osteopathy outside an accredited medical school
19 program or osteopathic school program and any affiliated institution or
20 program for which the medical school or osteopathic school has assumed
21 direct responsibility.

22 (d) The board may grant a regular license to practice medicine or osteopathy to a
23 person who has had a special faculty license for a period of at least five (5)
24 consecutive years.

25 (7) An applicant seeking regular licensure in the Commonwealth who was originally
26 licensed in another state may obtain licensure in the Commonwealth without
27 further testing and training if the applicant:

- 1 (a) Has been endorsed in writing by the applicant's original licensing state as
2 being licensed in good standing in that state; and
- 3 (b) Would have satisfied all the requirements for regular licensure described in
4 the preceding subsections had the applicant sought original licensure in this
5 state.
- 6 (8) No applicant shall be granted licensure in the Commonwealth unless the applicant
7 has successfully completed an examination prescribed by the board in accordance
8 with any rules that the board may establish by regulation concerning passing scores,
9 testing opportunities and test score recognition.
- 10 (9) Notwithstanding any of the requirements for licensure established by subsections
11 (1) to (8) of this section and after providing the applicant or reregistrant with
12 reasonable notice of its intended action and after providing a reasonable opportunity
13 to be heard, the board may deny licensure to an applicant or the reregistrant of an
14 inactive license without a prior evidentiary hearing upon a finding that the applicant
15 or reregistrant has violated any provision of KRS 311.595 or 311.597 or is
16 otherwise unfit to practice. Orders denying licensure may be appealed pursuant to
17 KRS 311.593.
- 18 (10) Notwithstanding any of the foregoing, the board may grant licensure to an applicant
19 in extraordinary circumstances upon a finding by the board that based on the
20 applicant's exceptional education, training, and practice credentials, the applicant's
21 practice in the Commonwealth would be beneficial to the public welfare.
- 22 (11) Notwithstanding any provision of this section, the board may exercise its discretion
23 to grant a visiting professor license to an applicant after considering the following:
- 24 (a) Whether the applicant meets the qualifications for a regular license;
- 25 (b) Whether the applicant is licensed to practice medicine in other states or in
26 other countries; and
- 27 (c) The recommendation of the program director of an accredited medical school

1 that confirms the applicant's employment as a visiting professor and that
2 includes, if necessary, written justification for a waiver of the requirements
3 specified in subsections (1) and (2) of this section.

4 Orders denying applications for a visiting professor license shall not be appealed
5 under KRS 311.593.

6 ➔Section 120. KRS 311.669 is amended to read as follows:

- 7 (1) The provisions of KRS 311.665 to 311.669 shall not apply to the use of an AED by:
- 8 (a) Physicians, podiatrists, or osteopaths licensed under KRS Chapter 311 or
9 chiropractors licensed under KRS Chapter 312;
- 10 (b) Physician assistants as defined in KRS 311.840~~[311.550]~~;
- 11 (c) Registered nurses, practical nurses, or advanced practice registered nurses
12 licensed under KRS Chapter 314;
- 13 (d) Dentists licensed under KRS Chapter 313; or
- 14 (e) Paramedics licensed, or first responders or emergency medical technicians
15 certified, under KRS Chapter 311A.
- 16 (2) Nothing in this section shall preclude the licensing boards referred to in subsection
17 (1) of this section from requiring continuing education or training on the use of an
18 AED.

19 ➔Section 121. KRS 311.715 is amended to read as follows:

- 20 (1) As used in this section, "public agency funds" means any money, regardless of the
21 original source of the money, of a public agency.
- 22 (2) Public agency funds shall not be used for the purpose of obtaining an abortion or
23 paying for the performance of an abortion. Public medical facilities may be used for
24 the purpose of conducting research into or the performance of in-vitro fertilization
25 as long as such procedures do not result in the intentional destruction of a human
26 embryo.
- 27 (3) Public agency funds shall not be directly or indirectly used, granted, paid, or

1 distributed to any entity, organization, or individual that performs, induces, refers
2 for, or counsels in favor of abortions. This subsection shall not apply to funding
3 available through KRS 205.510 to 205.648~~[205.560]~~ to the minimum extent
4 necessary to comply with federal conditions for the state's participation in the
5 program established by KRS 205.510 to 205.648~~[205.560]~~ or to funding that is used
6 to provide abstinence education in schools.

7 (4) (a) Public agency funds shall not be directly or indirectly used, granted, paid, or
8 distributed to any nonpublic entity or organization described in paragraph
9 (b)3. of this subsection. This paragraph shall not apply to funding available
10 through KRS 205.510 to 205.648~~[205.560]~~ to the minimum extent necessary
11 to comply with federal conditions for the state's participation in the program
12 established by KRS 205.510 to 205.648~~[205.560]~~ or to funding that is used to
13 provide abstinence education in schools.

14 (b) Notwithstanding any other state law to the contrary, all federal family
15 planning funds shall be awarded to eligible individuals, organizations, or
16 entities applying to be family planning contractors in the following order of
17 descending priority:

- 18 1. Public agencies that directly provide family planning services, including
19 state, county, and local community health clinics and federally qualified
20 health centers;
- 21 2. Nonpublic entities that directly provide basic health services, as
22 described in 42 U.S.C. sec. 254b(b)(1)(A), including family planning
23 services; and
- 24 3. Nonpublic entities that directly provide only family planning services
25 but do not provide all basic health services as described in 42 U.S.C.
26 sec. 254b(b)(1)(A).

27 (c) This subsection shall be effective upon repeal of federal regulations

1 prohibiting states from prioritizing recipients of federal Public Health Service
2 Act, Title X Family Planning Program funds.

3 (5) Nothing in this section shall be deemed to deprive a woman of all appropriate
4 medical care necessary to prevent her physical death.

5 (6) Nothing in this section shall be construed to allow public funds to pay for in-vitro
6 fertilization procedures performed on any individual patient.

7 ➔Section 122. KRS 324B.040 is amended to read as follows:

8 (1) As used in this section, "independent board or commission" means an executive
9 branch agency created by statute that serves the primary purpose of licensing,
10 certifying, registering, or otherwise regulating any occupational or professional
11 category. "Independent board or commission" does not include:

12 (a) An executive branch board or commission that is a part of another executive
13 branch agency;

14 (b) Any board or commission that is under the authority or jurisdiction of the
15 General Assembly or the judicial branch; or

16 (c) Any board or commission within any branch of state government if that board
17 or commission is expressly designed to:

- 18 1. Study, report, or make recommendations regarding a particular issue; or
- 19 2. Expire within a time certain.

20 (2) Any independent board or commission that is created after July 15, 2010, shall use
21 the administrative services of the Department of Professional Licensing as
22 described under KRS 324B.030 unless that board or commission can reasonably
23 demonstrate to the satisfaction of the department that it will license, certify,
24 register, or otherwise regulate at least one hundred (100) persons. If the board or
25 commission is able to initially demonstrate that it will reach the threshold
26 established in this subsection and then fails to license, certify, register, or otherwise
27 regulate at least one hundred (100) persons at the end of any two (2) consecutive

1 fiscal years, that board or commission shall be subject to the process required in
2 subsection (4) of this section.

3 (3) Any independent board or commission that was created before July 15, 2010, shall
4 undergo the process required in subsection (4) of this section if that board or
5 commission licenses, certifies, registers, or otherwise regulates less than one
6 hundred (100) persons at the end of any two (2) consecutive fiscal years ending on
7 or after June 30, 2010.

8 (4) (a) If an independent board or commission fails to regulate one hundred (100) or
9 more persons for two (2) consecutive fiscal years as described in subsections
10 (2) and (3) of this section, that board or commission shall submit a report
11 within ninety (90) days after the close of the second of the two (2) fiscal years
12 to the Department of Professional Licensing and to the Interim Joint
13 Committee on Licensing, Occupations, and Administrative Regulations ~~and~~
14 ~~Occupations~~ of the Legislative Research Commission or to the corresponding
15 standing committees of the General Assembly. The report shall contain, at a
16 minimum:

- 17 1. The number of persons licensed, certified, registered, or otherwise
18 regulated by the board or commission at the close of each of the two (2)
19 fiscal years;
- 20 2. A detailed accounting of the revenues, fees collected, board or
21 commission member reimbursements or per diems, staff salaries, costs,
22 expenses, and other financial activities of the board or commission for
23 each of the two (2) fiscal years; and
- 24 3. The board or commission's plan to:
 - 25 a. Increase the number of persons it licenses, certifies, registers, or
26 otherwise regulates to one hundred (100) or more persons;
 - 27 b. Merge with one (1) or more other boards, commissions, or other

1 governmental entities, which will result in a merged entity that
2 will license, certify, register, or otherwise regulate one hundred
3 (100) or more persons; or

4 c. Allow the Department of Professional Licensing to assume
5 administrative duties for the board or commission as described in
6 KRS 324B.030.

7 (b) If, after implementation of its plan under paragraph (a)3.a. or b. of this
8 subsection, an independent board or commission fails to license, certify,
9 register, or otherwise regulate one hundred (100) or more persons for an
10 additional three (3) consecutive fiscal years, for a total of five (5) consecutive
11 fiscal years, that board or commission shall allow the Department of
12 Professional Licensing to assume administrative duties for the board or
13 commission as described in KRS 324B.030 within ninety (90) days after the
14 end of the fifth fiscal year.

15 ➔Section 123. KRS 327.990 is amended to read as follows:

16 (1) Each violation of KRS 327.020 shall constitute a misdemeanor and be punished by
17 a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500)
18 or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or
19 both, for the first offense. Each subsequent violation thereof shall be punished by a
20 fine of not less than one hundred dollars (\$100) nor more than one thousand dollars
21 (\$1,000) or by imprisonment for not less than thirty (30) days nor more than ninety
22 (90) days or both.

23 (2) Any person who shall knowingly make a false statement in his or her application
24 for licensure under this chapter, or in response to any proper inquiry by the board,
25 shall be guilty of a misdemeanor and fined not less than one hundred dollars (\$100)
26 and not more than one thousand dollars (\$1,000) or imprisoned for not less than
27 thirty (30) days nor more than six (6) months, or both.

1 (3) The Attorney General, Commonwealth's~~[Commonwealth]~~ attorney, county
2 attorney or, upon majority vote of the board, any member thereof may apply for
3 injunctive relief in any court of competent jurisdiction to enjoin any person or entity
4 from committing an act in violation of this chapter. The injunction proceedings
5 shall be in addition to, and not in lieu of, all penalties and other remedies in this
6 chapter.

7 ➔Section 124. KRS 337.345 is amended to read as follows:

8 Except as otherwise provided in this section, the department shall not disclose the
9 identity of any individual filing a complaint or request for inspection under any section of
10 this chapter, except as necessary to enforce, and then only with the specific written
11 permission of the complainant.

12 Except as otherwise provided in this section, information secured from inspection
13 of the records, or from the transcriptions thereof, or from inspection of the employer's
14 premises by the commissioner or the commissioner's authorized representatives, shall be
15 held confidential and shall not be disclosed or be open to any person except such
16 information may be made available to:

- 17 (1) Officials concerned with, and for the purposes of administration of the laws relating
18 to matters under the jurisdiction of the commissioner;
- 19 (2) Any agency of this or any other state, or any federal agency for the purpose of
20 enforcing KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405; and
- 21 (3) To the Wage and Hour~~[and Public Contracts]~~ Division of the United States~~[,]~~
22 Department of Labor.

23 ➔Section 125. KRS 341.220 is amended to read as follows:

- 24 (1) In the administration of this chapter, the secretary shall:
- 25 (a) To the fullest extent consistent with the provisions of this chapter, cooperate
26 with the federal Department of Labor;
- 27 (b) Make such reports in such form and containing such information as such

- 1 agency may from time to time require;
- 2 (c) Comply with such provisions as such agency may from time to time find
3 necessary to ensure~~[assure]~~ the correctness and verification of such reports;
4 and
- 5 (d) Comply with the provisions of Title III of the Social Security Act relating to
6 the expenditure of such funds as may be allotted and paid to this state for the
7 purpose of assisting in the administration of this chapter.
- 8 (2) Upon request therefor the secretary shall furnish to any agency of this or any other
9 state or the United States charged with the administration of public works or
10 assistance, through public employment or otherwise, the name, address, ordinary
11 occupation and employment status of each recipient of benefits and such recipient's
12 rights to further benefits under this chapter.
- 13 (3) The secretary may make records relating to the administration of this chapter
14 available to the Railroad Retirement Board and may furnish the Railroad
15 Retirement Board, at the expense of that board, as many copies thereof as the board
16 requests.
- 17 (4) The secretary may afford reasonable cooperation, including reciprocal collection of
18 contributions by the enforcement of foreign judgments, with every agency of any
19 state or of the United States charged with the responsibility of administering an
20 unemployment insurance law.
- 21 (5) The secretary shall require employment offices in this state, upon request of a
22 public agency administering or supervising the administration of a state plan
23 approved under Part A of Title IV of the Social Security Act or of a public agency
24 charged with any duty or responsibility under any program or activity authorized or
25 required under Part D of Title IV of such act, shall, and, notwithstanding any other
26 provision of law, is hereby authorized to furnish to such agency making the request,
27 from any data contained in the files of any such employment office, information

1 with respect to any individual specified in the request as to (a) whether such
 2 individual is receiving, has received, or has made application for unemployment
 3 compensation, and the amount of any such compensation being received by such
 4 individual; (b) the current (or most recent) home address of such individual; and (c)
 5 whether such individual has refused an offer of employment, and, if so, a
 6 description of the employment so offered and terms, conditions, and rate of pay
 7 therefor, provided that the secretary shall require employment offices in this state to
 8 furnish such other information as shall be required by the regulations of the
 9 Secretary of Health and Human Services ~~[-, Education and Welfare].~~

10 ➔Section 126. KRS 341.570 is amended to read as follows:

11 (1) In any civil action to enforce the provisions of this chapter or in which the
 12 commission or the cabinet is an interested party, the commission or the cabinet may
 13 be represented by any qualified attorney who is designated by the secretary for that
 14 purpose. The expenses and compensation of such special attorney and any experts
 15 employed in connection with such proceedings shall be considered a proper cost of
 16 the administration of this chapter.

17 (2) All criminal actions for violation of any provision of this chapter, or of any rules or
 18 regulations issued under it, shall be prosecuted by the Attorney General of this
 19 state, or, at his or her request and under his direction, by the county attorney or
 20 Commonwealth's ~~Commonwealth~~ attorney of any county in which the employing
 21 unit has a place of business or the violator resides or has filed a claim.

22 ➔Section 127. KRS 344.015 is amended to read as follows:

23 (1) As used in this section, "state agency" means any department or administrative
 24 body of state government, as defined in KRS 12.010, that is subject to the
 25 requirements of Title VI of the Federal Civil Rights Act of 1964, 42 U.S.C.
 26 sec. ~~secs.~~ 2000d et seq., and regulations promulgated thereunder.

27 (2) Each state agency shall:

- 1 (a) Develop a Title VI implementation plan by January 1, 1995. If required by
2 Title VI or regulations promulgated thereunder, the implementation plan shall:
- 3 1. Be developed with the participation of protected beneficiaries; and
 - 4 2. Include Title VI implementation plans of any subrecipients of federal
5 funds through the state agency;
- 6 (b) Submit a copy of the implementation plan to the Auditor of Public Accounts
7 and the ~~Human Rights~~ commission; and
- 8 (c) Submit annual Title VI compliance reports and any implementation plan
9 updates to the Auditor of Public Accounts and the ~~Human Rights~~
10 commission by July 1, 1995, and each July 1 thereafter.
- 11 (3) The Auditor of Public Accounts shall prepare a report on the actions which state
12 agencies are required to take to implement Title VI, and a report summarizing and
13 evaluating, relative to the required implementation actions, the initial state agency
14 implementation plans and including audit findings from the Auditor of Public
15 Accounts field reviews. The Auditor of Public Accounts shall transmit the reports
16 to the Governor, the ~~Human Rights~~ commission, the Legislative Research
17 Commission, and each state agency. The Auditor of Public Accounts may prescribe
18 the report format, procedure, and time frame for purposes of complying with this
19 subsection. The prescribed format, procedure, and time frame shall be established
20 by administrative regulation pursuant to KRS Chapter 13A.
- 21 (4) In addition to being available from the promulgating state agency, all
22 implementation plans, reports, and updates required by and submitted under
23 subsection (2) of this section shall be available for inspection and copying under
24 KRS 61.870 to 61.884 in the offices of the Auditor of Public Accounts.
- 25 (5) In any annual audit made of a state agency under KRS 43.050, the Auditor of
26 Public Accounts shall determine whether the state agency has complied with
27 subsection (2) of this section and shall include the determination in the audit report.

1 (6) To the extent permitted by federal law or regulation, any increased costs incurred
2 by a state agency, the Auditor of Public Accounts, or the ~~Human Rights~~
3 ~~commission~~ under this section shall be paid from any available federal funds that
4 may be used for implementation of Title VI of the Federal Civil Rights Act of 1964.

5 ➔Section 128. KRS 349.005 is amended to read as follows:

6 (1) The General Assembly hereby declares:

7 (a) The venting of coalbed methane and degasification of coal seams is approved
8 by the Commonwealth for the purpose of ensuring the safe recovery of coal;

9 (b) The positive economic impact of coal mining to the Commonwealth is
10 currently greater than that of coalbed methane production;

11 (c) Coalbed methane is not found in conventional gas reservoirs;

12 (d) Any development of coalbed methane should be undertaken in a way to
13 protect and preserve the environment and protect and preserve the coal for
14 future safe mining and the maximum recovery of coal;

15 (e) Commercial recovery and marketing of coalbed methane should be facilitated
16 whenever appropriate to meet the energy needs of both the Commonwealth
17 and the United States;

18 (f) The extraction of methane from mineable coal enhances mine safety,
19 promotes environmental goals and objectives, and conserves an important
20 energy resource; and

21 (g) The Energy Policy Act of 1992 was enacted, in part, to encourage coalbed
22 methane development and the Commonwealth should enact legislation to
23 carry out the purpose of that act.

24 (2) Therefore, in order to encourage and ensure the fullest practical safe recovery of
25 both coal and coalbed methane, consistent with the above declarations and findings,
26 this chapter is established to:

27 (a) Authorize coalbed methane well permits;

- 1 (b) Regulate the design of coalbed methane wells and recovery techniques;
- 2 (c) Authorize coalbed methane well drilling units and pooling interests therein;
- 3 (d) Establish field rules; and
- 4 (e) Provide a process to enable coalbed methane well operators and coalbed
- 5 methane owners to proceed with the orderly development and production of
- 6 coalbed methane pending the judicial resolution of issues relating to coalbed
- 7 methane ownership.
- 8 (3) Notwithstanding subsections (1) and (2) of this section, the General Assembly
- 9 expressly finds that establishing an orderly process to permit and produce coalbed
- 10 methane shall in no way be construed to create an inference or presumption as to
- 11 the ownership of coalbed methane in any judicial or administrative proceeding, or
- 12 be construed to or be used or interpreted to apply to any well otherwise permitted,
- 13 approved, or regulated under KRS Chapter 353, except for any wells that are to be
- 14 permitted, converted to, or operated as coalbed methane wells.
- 15 (4) It is hereby declared to be the public policy of this Commonwealth and in the public
- 16 interest to:
- 17 (a) Safeguard, preserve, and protect coal seams for safe mining; facilitate the
- 18 expeditious, safe evacuation of coalbed methane from the coalbeds of this
- 19 state; and maintain the ability and right of coal operators at all times to vent
- 20 coalbed methane from mine areas for the safe recovery of coal;
- 21 (b) Foster, encourage, and promote the commercial development of the
- 22 Commonwealth's coalbed methane by establishing procedures for issuing
- 23 permits and forming drilling units for coalbed methane wells without
- 24 adversely affecting the safety of mining or the mineability of coal seams;
- 25 (c) Safeguard, protect, and enforce the correlative rights of coalbed methane
- 26 operators and coalbed methane owners in a pool of coalbed methane so that
- 27 each operator and owner may obtain his or her just and equitable share of

1 production from coalbed methane;

2 (d) Create a state permitting procedure and authority to provide for and facilitate
3 coalbed methane development as encouraged by the Energy Policy Act of
4 1992; and

5 (e) Seek the deletion of the Commonwealth of Kentucky from the list of affected
6 states by the Secretary of the United States Department of *the* Interior as
7 provided for in the Energy Policy Act of 1992.

8 ➔Section 129. KRS 350.509 is amended to read as follows:

9 The commission shall be attached to the cabinet for administrative purposes and staffed
10 by the Office of the Reclamation Guaranty Fund established pursuant to KRS 350.512.

11 The commission shall:

12 (1) Review, recommend, and promulgate administrative regulations pursuant to KRS
13 Chapter 13A, which are necessary to:

14 (a) Monitor and maintain the fund;

15 (b) Establish a structure for the administration of processing claims and making
16 payments;

17 (c) Establish mechanisms for review of the viability of the fund and criteria for
18 determining when a recommendation shall be made to the secretary of the
19 cabinet to close the fund for failure to maintain actuarial soundness;

20 (d) Set the schedule of penalties consistent with this chapter associated with late
21 payment, failure to pay, and defrauding the commission through the
22 submission of fraudulent information or withholding requested
23 documentation;

24 (e) Review, in accordance with the applicable administrative regulations of the
25 cabinet and KRS 350.515 and 350.518, all assignments of permittee
26 classification of mine type and assessment of established fees; and

27 (f) Establish a structure for the payment of the assessments required in KRS

- 1 350.515(2)(b) and 350.518;
- 2 (2) Notify permittees of suspension or reinstatement of the fees required by KRS
3 350.518(2);
- 4 (3) Employ, in accordance with KRS 45A.690 to 45A.725, a certified public
5 accountant in good standing to perform an annual audit of the fund for the first five
6 (5) years of the operations of the fund. Thereafter, the commission shall have audits
7 performed every two (2) years or more frequently as determined necessary by the
8 commission. Audit results shall be reported to the commission and to the Governor;
- 9 (4) Employ, in accordance with KRS 45A.690 to 45A.725, a qualified actuary to
10 perform an actuarial study annually for the first three (3) years of the operations of
11 the fund. Thereafter, the commission shall have actuarial studies performed every
12 two (2) years or more frequently as determined necessary by the commission.
13 Results of these studies shall be reported to the commission and to the Governor;
- 14 (5) Perform all functions necessary and authorize expenditures from the fund necessary
15 to carry out the provisions of law and the administrative regulations of the
16 commission;
- 17 (6) Report to the Governor and the Interim Joint Committee on Natural Resources and
18 Energy~~Environment~~ no later than December 31 of each year as to the financial
19 status of the reclamation guaranty fund;
- 20 (7) Conduct investigations and issue subpoenas on behalf of the commission to verify
21 reporting, payment, and other activities of permittees related to the fund. All
22 documents produced in response to investigations and subpoenas by the
23 commission shall remain confidential and not subject to the provisions of KRS
24 61.870 to 61.882; and
- 25 (8) Bring an action in Franklin Circuit Court against any permittee for the recovery of
26 funds spent by the commission by reason of forfeiture of that permittee. The
27 commission may utilize the legal department of the cabinet for this purpose.

1 ➔Section 130. KRS 351.010 is amended to read as follows:

- 2 (1) As used in this chapter, unless the context requires otherwise:
- 3 (a) "Adulterated specimen" means a specimen containing a substance that is not a
4 normal constituent or containing an endogenous substance at a concentration
5 that is not a normal physiological concentration;
- 6 (b) "Approved" means that a device, apparatus, equipment, or machinery, or
7 practice employed in the mining of coal has been approved by the
8 commissioner of the Department for Natural Resources;
- 9 (c) "Assistant mine foreman" means a certified person designated to assist the
10 mine foreman in the supervision of a portion or the whole of a mine or of the
11 persons employed therein;
- 12 (d) "Commercial mine" means any coal mine from which coal is mined for sale,
13 commercial use, or exchange. This term shall in no instance be construed to
14 include a mine where coal is produced for own use;
- 15 (e) "Commission" means the Mine Safety Review Commission created by KRS
16 351.1041;
- 17 (f) "Commissioner" means commissioner of the Department for Natural
18 Resources;
- 19 (g) "Department" means the Department for Natural Resources;
- 20 (h) "Drift" means an opening through strata or coal seams with opening grades
21 sufficient to permit coal to be hauled therefrom or which is used for the
22 purpose of ventilation, drainage, ingress, egress, and other purposes in
23 connection with the mining of coal;
- 24 (i) "Excavations and workings" means the excavated portions of a mine;
- 25 (j) "Fire boss" (often referred to as mine examiner) means a person certified as a
26 mine foreman or assistant mine foreman who is designated by management to
27 examine a mine or part of a mine for explosive gas or other dangers before a

- 1 shift crew enters;
- 2 (k) "Gassy mine." All mines shall be classified as gassy or gaseous;
- 3 (l) "Illicit substances" includes prescription drugs used illegally or in excess of
4 therapeutic levels as well as illegal drugs;
- 5 (m) "Intake air" means air that has not passed through the last working place of
6 the split or by the unsealed entrances to abandoned workings and by analysis
7 contains not less than nineteen and one-half percent (19.5%) oxygen, no
8 dangerous quantities of flammable gas, and no harmful amounts of poisonous
9 gas or dust;
- 10 (n) "Licensee" means any owner, operator, lessee, corporation, partnership, or
11 other person who procures a license from the department to operate a coal
12 mine;
- 13 (o) "Medical review officer" or "MRO" means a licensed physician with
14 knowledge of substance abuse disorders, laboratory testing, chain of custody,
15 collection procedures, and the ability to verify positive, confirmed test results.
16 The MRO shall possess the necessary medical training to interpret and
17 evaluate a positive test result in relation to the person's medical history or any
18 other relevant biomedical information;
- 19 (p) "Mine" means any open pit or any underground workings from which coal is
20 produced for sale, exchange, or commercial use, and all shafts, slopes, drifts,
21 or inclines leading thereto, and includes all buildings and equipment, above or
22 below the surface of the ground, used in connection with the workings.
23 Workings that are adjacent to each other and under the same management, but
24 which are administered as distinct units, shall be considered a separate mine;
- 25 (q) "Mine foreman" means a certified person whom the licensee or superintendent
26 places in charge of the workings of the mine and of the persons employed
27 therein;

- 1 (r) "Mine manager" means a certified or noncertified person whom the licensee
2 places in charge of a mine or mines and whose duties include but are not
3 limited to operations at the mine or mines and supervision of personnel when
4 qualified to do so;
- 5 (s) "Open-pit mine" shall include open excavations and open-cut workings,
6 including but not limited to auger operations and highwall mining systems for
7 the extraction of coal. However, excavation of refuse from a coarse coal
8 refuse fill for reprocessing of the refuse, which is permitted and bonded under
9 KRS Chapter 350 and is regulated by the Mine Safety and Health
10 Administration, shall not be required to obtain a license under this chapter;
- 11 (t) "Operator" means the licensee, owner, lessee, or other person who operates or
12 controls a coal mine;
- 13 (u) "Permissible" refers to any equipment, device, or explosive that has been
14 approved by the ~~[United States Bureau of Mines, the]~~ Mining Enforcement
15 and Safety Administration~~[,]~~ or the Mine Safety and Health Administration
16 and that meets all requirements, restrictions, exceptions, limitations, and
17 conditions attached to the classification by the approving agency;
- 18 (v) "Preshift examination" means the examination of a mine or any portion
19 thereof where miners are scheduled to work or travel, which shall be
20 conducted not more than three (3) hours before any oncoming shift;
- 21 (w) "Return air" means air that has passed through the last active working place
22 on each split, or air that has passed through abandoned, inaccessible, or
23 pillared workings;
- 24 (x) "Serious physical injury" means an injury which has a reasonable potential to
25 cause death;
- 26 (y) "Shaft" means a vertical opening through the strata that is used in connection
27 with the mining of coal, for the purpose of ventilation or drainage, or for

- 1 hoisting men, coal, or materials;
- 2 (z) "Slope" means an inclined opening used for the same purpose as a shaft;
- 3 (aa) "Superintendent" means the person who, on behalf of the licensee, has
4 immediate supervision of one (1) or more mines;
- 5 (ab) "Supervisory personnel" means a person certified under the provisions of this
6 chapter to assist in the supervision of a portion or the whole of the mine or of
7 the persons employed therein;
- 8 (ac) "Division" means the Division of Mine Safety;
- 9 (ad) "Director" means the director of the Division of Mine Safety;
- 10 (ae) "Probation" means the status of a certification or license issued by the
11 Division of Mine Safety that conditions the validity of the certification or
12 license upon compliance with orders of the Mine Safety Review Commission;
13 and
- 14 (af) "Final order of the commission" means an order which has not been appealed
15 to the Franklin Circuit Court within thirty (30) days of entry, or an order
16 affirming the commission's order that has been entered by any court within
17 the Commonwealth and for which all appeals have been exhausted.
- 18 (2) Except as the context otherwise requires, this chapter applies only to commercial
19 coal mines.
- 20 (3) The definitions in KRS 352.010 apply also to this chapter, unless the context
21 requires otherwise.
- 22 ➔Section 131. KRS 352.010 is amended to read as follows:
- 23 (1) As used in this chapter, unless the context requires otherwise:
- 24 (a) "Abandoned workings" means excavations, either caved or sealed, that are
25 deserted and in which further mining is not intended, or open workings which
26 are ventilated and not inspected regularly;
- 27 (b) "Active workings" means all places in a mine that are ventilated and inspected

- 1 regularly;
- 2 (c) "Approved" means that a device, apparatus, equipment, machinery, or
3 practice employed in the mining of coal has been approved by the
4 commissioner of the Department for Natural Resources;
- 5 (d) "Assistant mine foreman" means a certified person designated to assist the
6 mine foreman in the supervision of a portion or the whole of a mine or of the
7 persons employed therein;
- 8 (e) "Commercial mine" means any coal mine from which coal is mined for sale,
9 commercial use, or exchange. This term shall in no instance be construed to
10 include a mine where coal is produced for own use;
- 11 (f) "Commissioner" means commissioner of the Department for Natural
12 Resources;
- 13 (g) "Department" means the Department for Natural Resources;
- 14 (h) "Drift" means an opening through strata or coal seams with opening grades
15 sufficient to permit coal to be hauled therefrom, or which is used for the
16 purpose of ventilation, drainage, ingress, egress, and other purposes in
17 connection with the mining of coal;
- 18 (i) "Director" means the director of the Division of Mine Safety;
- 19 (j) "Excavations and workings" means the excavated portions of a mine;
- 20 (k) "Face equipment" means mobile or portable mining machinery having electric
21 motors or accessory equipment normally installed or operated in by the last
22 open crosscut in any entry or room;
- 23 (l) "Fire boss" (often referred to as mine examiner) means a person certified as a
24 mine foreman or assistant mine foreman who is designated by management to
25 examine a mine or part of a mine for explosive gas or other dangers before a
26 shift crew enters;
- 27 (m) "Gassy mine." All underground mines shall be classified as gassy or gaseous;

- 1 (n) "High voltage" means any voltage of one thousand (1,000) volts or more;
- 2 (o) "Imminent danger" means the existence of any condition or practice which
3 could reasonably be expected to cause death or serious physical injury before
4 the condition or practice can be abated;
- 5 (p) "Inactive workings" shall include all portions of a mine in which operations
6 have been suspended for an indefinite period, but have not been abandoned;
- 7 (q) "Intake air" means air that has not passed through the last working place of
8 the split or by the unsealed entrances to abandoned workings and by analysis
9 contains not less than nineteen and one-half percent (19.5%) of oxygen, no
10 dangerous quantities of flammable gas, and no harmful amounts of poisonous
11 gas or dust;
- 12 (r) "Licensee" means any owner, operator, lessee, corporation, partnership, or
13 other person who procures a license from the department to operate a coal
14 mine;
- 15 (s) "Low voltage" means up to and including six hundred sixty (660) volts;
- 16 (t) "Medium voltage" means voltages greater than six hundred sixty (660) and up
17 to nine hundred ninety-nine (999) volts;
- 18 (u) "Mine" means any open pit or any underground workings from which coal is
19 produced for sale, exchange, or commercial use, and all shafts, slopes, drifts,
20 or inclines leading thereto, and includes all buildings and equipment, above or
21 below the surface of the ground, used in connection with the workings.
22 Workings that are adjacent to each other and under the same management and
23 which are administered as distinct units shall be considered separate mines;
- 24 (v) "Mine foreman" means a certified person whom the licensee, mine manager,
25 or superintendent places in charge of the workings of the mine and of persons
26 employed therein;
- 27 (w) "Mine manager" means a certified or noncertified person whom the licensee

- 1 places in charge of a mine or mines and whose duties include but are not
2 limited to operations at the mine or mines and supervision of personnel when
3 qualified to do so;
- 4 (x) "NAD 83" means the North American Datum, 1983 version, in feet units;
- 5 (y) "Open-pit mine" shall include open excavations and open-cut workings
6 including auger operations and highwall mining systems for the extraction of
7 coal. However, excavation of refuse from a coarse coal refuse fill for
8 reprocessing of the refuse, which is permitted and bonded under KRS Chapter
9 350 and is regulated by the Mine Safety and Health Administration, shall not
10 be required to obtain a license under this chapter;
- 11 (z) "Operator" means the licensee, owner, lessee, or other person who operates or
12 controls a coal mine;
- 13 (aa) "Permissible" means that any equipment, device, or explosive that has been
14 approved by the ~~[United States Bureau of Mines, the]~~ Mining Enforcement
15 and Safety Administration~~[,]~~ or the Mine Safety and Health Administration
16 meets all requirements, restrictions, exceptions, limitations, and conditions
17 attached to the classification;
- 18 (ab) "Preshift examination" refers to the examination of an underground mine or
19 part of a mine where miners are scheduled to work or travel, and shall be
20 conducted not more than three (3) hours before any oncoming shift;
- 21 (ac) "Return air" means air that has passed through the last active working place
22 on each split, or air that has passed through abandoned, inaccessible, or
23 pillared workings;
- 24 (ad) "Serious physical injury" means an injury which has a reasonable potential to
25 cause death;
- 26 (ae) "Shaft" means a vertical opening through the strata that is or may be used, in
27 connection with the mining of coal, for the purpose of ventilation or drainage,

- 1 or for hoisting men, coal, or materials;
- 2 (af) "Single Zone Projection" means the Kentucky Single Zone State Plane
3 Coordinate System of 1983, based on the Lambert Conformal Conical map
4 projection with double standard parallels on the North American Datum, 1983
5 version, as established in 10 KAR 5:010;
- 6 (ag) "Slope" means an inclined opening used for the same purpose as a shaft;
- 7 (ah) "Superintendent" means the person who, on behalf of the licensee, has
8 immediate supervision of one (1) or more mines;
- 9 (ai) "Supervisory personnel" shall mean a person or persons certified under the
10 provisions of KRS Chapter 351 to assist in the supervision of a portion or the
11 whole of the mine or of the persons employed therein;
- 12 (aj) "Tipple or dumping point" means the structure where coal is dumped or
13 unloaded from the mine car into railroad cars, trucks, wagons, or other means
14 of conveyance;
- 15 (ak) "Working face" means any place in a coal mine at which the extraction of coal
16 from its natural deposit in the earth is performed during the mining cycle;
- 17 (al) "Working place" means the area of a coal mine inby the last open crosscut;
- 18 (am) "Working section" means all areas of a coal mine from the loading point to
19 and including the working faces; and
- 20 (an) "Workmanlike manner" means consistent with established practices and
21 methods utilized in the coal industry.
- 22 (2) The definitions in KRS 351.010 apply also to this chapter, unless the context
23 requires otherwise.
- 24 (3) Except as the context otherwise requires, this chapter applies only to commercial
25 mines as defined in KRS 351.010 and shall not apply to electrical facilities owned,
26 operated, or otherwise controlled by a retail electric supplier or generation and
27 transmission cooperative as defined in KRS 278.010 or organized under KRS

1 Chapter 279 for the purpose of communication, metering, or for the generation,
2 control, transformation, transmission, and distribution of electric energy located in
3 buildings used exclusively by utilities for such purposes or located outdoors on
4 property owned or leased by the utility or on public highways, streets, roads, or
5 outdoors by established easement rights on private property and that are covered by
6 the National Electric Safety Code (NESC) or other applicable safety codes, or other
7 authorities having jurisdiction and shall not apply to installations under the
8 exclusive control of utilities for the purpose of communication, metering, or for the
9 generation, control, transformation, transmission, and distribution of electric energy
10 located in buildings used exclusively by utilities for such purposes or located
11 outdoors on property owned or leased by the utility or on public highways, streets,
12 roads, or outdoors by established rights on private property.

13 ➔Section 132. KRS 353.804 is amended to read as follows:

14 (1) The division is authorized to seek primary jurisdiction and authority over matters
15 relating to the geologic storage of carbon dioxide in the Commonwealth once these
16 programs have been developed at the federal level.

17 (2) The cabinet shall seek one (1) to five (5) demonstration projects for location in the
18 Commonwealth. Projects shall be approved by the secretary or a designee. To be
19 approved, a project shall inject carbon dioxide into pore space that contains no
20 economically recoverable minerals at the time of the injection and shall:

21 (a) Incorporate carbon storage or integrate carbon capture and storage
22 technology; or

23 (b) Be a carbon capture and storage project that is associated with a project that
24 has otherwise qualified and been approved for incentives under KRS 154.27-
25 010 to 154.27-090, the Incentives for Energy-related Business Act.

26 (3) Within eighteen (18) months of obtaining approval of a demonstration project from
27 the cabinet, the applicant shall file the necessary application for a Class V well with

1 Region 4, United States Environmental Protection Agency (USEPA), The applicant
2 must begin work on the demonstration project within eighteen (18) months of the
3 date the Class V well permit is granted by the USEPA. The applicant may request
4 an extension of time from the cabinet. If the requirements of this subsection have
5 not been met within the time allowed and the cabinet has not granted an extension
6 of time, the cabinet may revoke its approval of the demonstration project.

7 (4) The cabinet shall provide testimony on the program's development annually,
8 beginning in 2012, at meetings of the Interim Joint Committee on Natural
9 Resources and ~~Environment and the Special Subcommittee on~~ Energy unless the
10 chairs of the committees direct otherwise. The testimony shall include specific
11 recommendations for legislative action, including necessary appropriations.

12 ➔Section 133. KRS 353.812 is amended to read as follows:

13 (1) The secretary of the cabinet shall take affirmative steps to initiate discussions with
14 surrounding states to develop a coordinated and unified approach to subsurface
15 migration of stored carbon dioxide and may enter into reciprocal agreements with
16 states that share a border with Kentucky that:

17 (a) Affirm that accidental or unforeseen migration of subsurface stored carbon
18 dioxide across state lines shall not be treated by the states as trespass;

19 (b) Provide a mechanism for resolution and compensation for unforeseen
20 migration incidents, including necessary monitoring arrangements to track or
21 arrest future migration; or

22 (c) Establish a process whereby reservoirs that cross state lines can be created
23 where it is geologically and mutually advantageous to do so.

24 (2) The cabinet shall report to the Governor and the Legislative Research Commission
25 on the progress of discussions held under this section. The report shall be presented
26 in writing and through testimony to the ~~{Special Subcommittee on Energy and the~~
27 Interim Joint Committee on Natural Resources and Energy~~Environment}~~ annually

1 unless the chairs of these committees direct otherwise. Reporting shall begin in
2 2012 and continue until the cabinet is satisfied that all necessary agreements have
3 been reached and has reported that conclusion.

4 ➔Section 134. KRS 367.300 is amended to read as follows:

5 It shall be the duty of the Commonwealth's~~Commonwealth~~ and ~~the~~ county attorneys
6 to lend to the Attorney General such assistance as the Attorney General may request in
7 the commencement and prosecution of court actions pursuant to KRS 367.110 to
8 367.300, or the Commonwealth's attorney~~Commonwealth~~ or county attorney with prior
9 approval of the Attorney General may institute and prosecute actions hereunder in the
10 same manner as provided for the Attorney General; provided that if an action is
11 prosecuted by a Commonwealth's~~Commonwealth~~ attorney or county attorney alone, he
12 or she shall make a full report thereon to the Attorney General, including the final
13 disposition of the matter.

14 ➔Section 135. KRS 369.103 is amended to read as follows:

15 (1) Except as otherwise provided in subsection (2) of this section, KRS 369.101 to
16 369.120 applies to electronic records and electronic signatures relating to a
17 transaction.

18 (2) KRS 369.101 to 369.120 does not apply to a transaction to the extent it is governed
19 by:

20 (a) A law governing the creation and execution of wills, codicils, or testamentary
21 trusts;

22 (b) KRS Chapter 355 other than KRS 355.1-306~~355.1-107 and 355.1-206,~~ and
23 Articles 2 and 2A of KRS Chapter 355; and

24 (c) A law governing the creation or transfer of any negotiable instrument or any
25 instrument establishing title or an interest in title to a motor vehicle and
26 governed by KRS Chapter 186 or 186A.

27 (3) KRS 369.101 to 369.120 applies to an electronic record or electronic signature

1 otherwise excluded from the application of KRS 369.101 to 369.120 under
2 subsection (2) of this section to the extent it is governed by a law other than those
3 specified in subsection (2) of this section.

4 (4) A transaction subject to KRS 369.101 to 369.120 is also subject to other applicable
5 substantive law.

6 ➔Section 136. KRS 380.990 is amended to read as follows:

7 (1) In any action brought alleging a violation of this chapter, if the court finds that a
8 person is willfully using or has willfully used a method, act, or practice declared
9 unlawful by this chapter, the Attorney General, upon petition to the court, may
10 recover, on behalf of the Commonwealth, a civil penalty of not more than five
11 thousand dollars (\$5,000) per violation.

12 (2) Any person who violates the provisions of KRS 380.040 in the state is guilty of a
13 misdemeanor and, upon conviction, shall be punished by a fine of five hundred
14 dollars (\$500) or imprisonment not to exceed sixty (60) days, or both such fine and
15 imprisonment.

16 (3) A violation of this chapter shall be deemed an unfair, false, misleading, or deceptive
17 practice in the conduct of trade or commerce in violation of KRS 367.170. All of
18 the remedies, powers, and duties provided by KRS 367.190 to 367.300 and the
19 penalties pertaining to acts and practices declared unlawful under KRS 367.170
20 shall apply with equal force and effect to acts and practices in violation of this
21 chapter, except as provided in subsection (1) of this section.

22 (4) In addition to subsection (1) of this section:

23 (a) A court may make such additional orders or judgments as may be necessary to
24 restore to any person in interest any moneys or property, real or personal,
25 which may have been paid out as a result of any practice in violation of this
26 chapter;

27 (b) A court shall have jurisdiction in an action brought in the name of the

1 Commonwealth by the Attorney General or the county attorney, to enjoin, as
2 an unfair or deceptive trade practice pursuant to KRS 367.170, the
3 continuation of any debt-adjusting business or the offering of any debt-
4 adjusting services as defined in KRS 380.010;

5 (c) A court may appoint a receiver who shall have all the powers and authority
6 pursuant to KRS 367.210 for the property and money employed in the
7 transaction of business by a debt adjuster to ensure the return to debtors of
8 their money and property received by the debt adjuster which has not been
9 paid to the creditors of the debtors; and

10 (d) In any action brought by the Attorney General or a Commonwealth's
11 ~~[Commonwealth]~~ or county attorney under this chapter, in which the
12 Commonwealth has substantially prevailed, the court shall award, in addition
13 to the relief provide elsewhere in this chapter, reasonable attorney's fees,
14 investigative costs, and litigation costs including expert witness fees and
15 expenses.

16 ➔Section 137. KRS 395.255 is amended to read as follows:

17 If a fiduciary neglects or refuses to file an inventory or account when due according to
18 law, or when ordered by the court, the court shall notify the fiduciary of his or her
19 delinquency and fix a date when such inventory or account must be filed. Unless there is
20 pending in the circuit court a suit to settle the estate such neglect or refusal shall be
21 grounds for removal by the court. If the fiduciary fails to file such account within thirty
22 (30) days after the date fixed in said notice, no allowance shall be made for his or her
23 services unless the court enters upon its minutes an order that such delay was justified.

24 ➔Section 138. KRS 403.707 is amended to read as follows:

- 25 (1) The Sexual Assault Response Team Advisory Committee is established.
- 26 (2) The Sexual Assault Response Team Advisory Committee shall be co-chaired by the
27 executive director of the Kentucky Association of Sexual Assault Programs and the

- 1 commissioner of the Department of Kentucky State Police or the commissioner's
2 designee.
- 3 (3) The membership of the Sexual Assault Response Team Advisory Committee shall
4 consist of the following:
- 5 (a) The executive director of the Kentucky Board of Nursing or the executive
6 director's designee;
 - 7 (b) The executive director of the Kentucky Nurses Association or the executive
8 director's designee;
 - 9 (c) The executive director of the Kentucky Hospital Association or the executive
10 director's designee;
 - 11 (d) The executive director of the Kentucky Association of Children's Advocacy
12 Centers;
 - 13 (e) The director of the Department of Kentucky State Police Crime Lab;
 - 14 (f) The commissioner of the Department for Community Based Services or the
15 commissioner's designee;
 - 16 (g) The *executive* director of the *Office of Victims Advocacy within*~~[Victims'~~
17 ~~Advocacy Division of]~~ the *Department of Law*~~[Office of the Attorney~~
18 ~~General]~~ or the *executive* director's designee;
 - 19 (h) A sexual assault nurse examiner appointed by the secretary of the Cabinet for
20 Health and Family Services;
 - 21 (i) A representative from a sexual assault response team appointed by the
22 executive director of the Kentucky Association of Sexual Assault Programs;
 - 23 (j) A physician appointed by the secretary of the Cabinet for Health and Family
24 Services; and
 - 25 (k) A Commonwealth's attorney or an assistant Commonwealth's attorney
26 appointed by the Attorney General.
- 27 (4) Members appointed under subsection (3)(h) to (k) of this section shall serve at the

1 pleasure of the appointing authority and shall not serve longer than four (4) years
2 without reappointment.

3 (5) The Sexual Assault Response Team Advisory Committee shall:

4 (a) Serve in an advisory capacity to the Kentucky Board of Nursing in
5 accomplishing the duties set forth under KRS 314.142;

6 (b) Serve in an advisory capacity to the Justice and Public Safety Cabinet in the
7 development of the statewide sexual assault protocol required under KRS
8 216B.400(4);

9 (c) Develop a model protocol for the operation of sexual assault response teams
10 which shall include the roles of sexual assault nurse examiners, physicians,
11 law enforcement, prosecutors, and victim advocates;

12 (d) Provide assistance to each regional rape crisis center, as designated by the
13 Cabinet for Health and Family Services, in establishing a regional sexual
14 assault response team;

15 (e) Develop model policies for law enforcement agencies related to handling
16 sexual assault examination kits and investigating sexual assaults with a
17 victim-centered, evidence-based approach;

18 (f) By January 1, 2018, report to the General Assembly on the results of the
19 analysis of previously untested sexual assault examination kits submitted to
20 the Department of Kentucky State Police forensic laboratory pursuant to 2016
21 Ky. Acts ch. 58, sec. 1, including whether analysis of those kits led to the
22 identification and prosecution of suspects and the cost to society of the
23 offenses committed by the suspects identified;

24 (g) By July 1, 2018, and by each July 1 thereafter, report to the General Assembly
25 and to the secretary of the Justice and Public Safety Cabinet on the number of
26 sexual assaults reported, the number of sexual assault examination kits
27 submitted to the Department of Kentucky State Police forensic laboratory, the

1 number of kits tested, and the number of charges filed and convictions
2 obtained in sexual assault cases in the previous calendar year;

3 (h) Provide information and recommendations concerning the activities of the
4 agency or organization represented by each individual committee member as
5 related to sexual assault issues and programs within the purview of the agency
6 or organization; and

7 (i) Recommend to the appropriate state agency any changes in statute,
8 administrative regulation, training, policy, and budget to promote a
9 multidisciplinary response to sexual assault.

10 ➔Section 139. KRS 415.040 is amended to read as follows:

11 It shall be the duty of the several Commonwealth's~~[Commonwealth]~~ attorneys to institute
12 the actions mentioned in this chapter against usurpers of county offices or franchises, if
13 no other person be entitled thereto, or if the person entitled fail to institute the same
14 during three (3) months after the usurpation.

15 ➔Section 140. KRS 426.340 is amended to read as follows:

16 (1) No officer shall delay advertising property for sale, taken by him or her under
17 execution, for more than twenty (20) days after the levy.

18 (2) No officer shall fail to return by the return day thereof any writ of execution or
19 attachment for not performing a judgment in chancery or equity which is placed in
20 his or her hands to execute.

21 (3) It shall be no defense to an action or motion against a collecting officer for failure
22 of duty of himself or herself or deputy that the plaintiff directed the officer to delay
23 or in any way stay proceedings thereon unless the defense is supported by the
24 written consent or request of the plaintiff or his or her agent or attorney.

25 ➔Section 141. KRS 426.350 is amended to read as follows:

26 (1) Any sheriff or like officer, in whose hands a writ of execution is placed, who fails,
27 without reasonable excuse, to return the writ to the office where it was issued

1 within thirty (30) days after the return day, shall, with his or her sureties or the
2 personal representatives, heirs or devisees of either, be liable jointly and severally
3 to the plaintiff in the execution for the amount of the execution, with thirty percent
4 (30%) damages thereon and the costs of recovery. The remedy shall be the same as
5 provided in KRS 426.360.

6 (2) The provisions of subsection (1) of this section shall not apply to any case in which
7 the collecting officer had, at the commencement of the proceeding, paid the plaintiff
8 the amount of the execution. If he or she had paid in part, then the thirty percent
9 (30%) damages shall only be adjudged against him or her upon the portion unpaid.

10 (3) If the defendant in an execution is insolvent, and has no property in the county out
11 of which the execution or any part thereof can be made, the collecting officer shall
12 not be held liable for the amount of the execution for failing to comply with the
13 provisions of subsection (1) of this section, but shall be liable for thirty percent
14 (30%) of the amount of the execution.

15 ➔Section 142. KRS 439.340 is amended to read as follows:

16 (1) The board may release on parole persons confined in any adult state penal or
17 correctional institution of Kentucky or sentenced felons incarcerated in county jails
18 eligible for parole. All paroles shall issue upon order of the board duly adopted. As
19 soon as practicable after his or her admission to an adult state penal or correctional
20 institution or county jail if he or she is a sentenced felon, and at such intervals
21 thereafter as it may determine, the Department of Corrections shall obtain all
22 pertinent information regarding each prisoner, except those not eligible for parole.
23 The information shall include the results of his or her most recent risk and needs
24 assessment, his or her criminal record, his or her conduct, employment, and the
25 reports of physical and mental examinations that have been made. The Department
26 of Corrections shall furnish the circumstances of his or her offense, the results of
27 his or her most recent risk and needs assessment, and his or her previous social

1 history to the board. The Department of Corrections shall prepare a report on any
2 information it obtains. It shall be the duty of the Department of Corrections to
3 supplement this report with any material the board may request and submit the
4 report to the board.

5 (2) Before granting the parole of any prisoner, the board shall consider the pertinent
6 information regarding the prisoner, including the results of his or her most recent
7 risk and needs assessment, and shall have him or her appear before it for interview
8 and hearing. The board in its discretion may hold interviews and hearings for
9 prisoners convicted of Class C felonies not included within the definition of
10 "violent offender" in KRS 439.3401 and Class D felonies not included within the
11 definition of "sex crime" in KRS 17.500. The board in its discretion may request the
12 parole board of another state confining prisoners pursuant to KRS 196.610 to
13 interview eligible prisoners and make a parole recommendation to the board. A
14 parole shall be ordered only for the best interest of society and not as an award of
15 clemency, and it shall not be considered a reduction of sentence or pardon. A
16 prisoner shall be placed on parole only when arrangements have been made for his
17 or her proper employment or for his or her maintenance and care, and when the
18 board believes he or she is able and willing to fulfill the obligations of a law abiding
19 citizen. Notwithstanding any statute to the contrary, including KRS 440.330, when
20 a prisoner is otherwise eligible for parole and the board has recommended parole
21 for that prisoner for the reasons set forth in this subsection, the board may grant
22 parole to any prisoner wanted as a fugitive by any other jurisdiction, and the
23 prisoner shall be released to the detainer from that jurisdiction. Such parole shall
24 not constitute a relinquishment of jurisdiction over the prisoner, and the board in all
25 cases expressly reserves the right to return the prisoner to confinement in a
26 correctional institution of the Commonwealth if the prisoner violates the terms of
27 his or her parole.

- 1 (3) (a) A nonviolent offender convicted of a Class D felony with an aggregate
2 sentence of one (1) to five (5) years who is confined to a state penal institution
3 or county jail shall have his or her case reviewed by the Parole Board after
4 serving fifteen percent (15%) or two (2) months of the original sentence,
5 whichever is longer.
- 6 (b) Except as provided in this section, the board shall adopt administrative
7 regulations with respect to the eligibility of prisoners for parole, the conduct
8 of parole and parole revocation hearings and all other matters that come
9 before it, or conditions to be imposed upon parolees. Regulations governing
10 the eligibility of prisoners for parole shall be in accordance with
11 professionally accepted ideas of correction and reform and may utilize in part
12 objective, performance-based criteria and risk and needs assessment
13 information; however, nothing herein contained shall preclude the board from
14 utilizing its present regulations in conjunction with other factors involved that
15 would relate to the inmate's needs and the safety of the public.
- 16 (4) The board shall insure that all sentenced felons who have longer than ninety (90)
17 days to serve in state penal institutions, halfway houses, reentry centers, and county
18 jails are considered for parole not less than sixty (60) days prior to their parole
19 eligibility date, and the Department of Corrections shall provide the necessary
20 assistance and information to the board in order for it to conduct timely parole
21 reviews.
- 22 (5) In addition to or in conjunction with each hearing conducted under subsection (2) of
23 this section for any prisoner convicted of a Class A, B, or C felony or a Class D
24 felony included within the definition of "sex crime" in KRS 17.500 and prior to the
25 granting of a parole to any such prisoner, the parole board shall conduct a hearing
26 of which the following persons shall receive not less than forty-five (45) nor more
27 than ninety (90) days' notice: the Commonwealth's attorney who shall notify the

1 sheriff of every county and the chief of police of every city and county in which the
2 prisoner committed any Class A, B, or C felony or a Class D felony included within
3 the definition of "sex crime" in KRS 17.500 for which he or she is imprisoned, and
4 all identified victims of the crimes or the next of kin of any victim who is deceased.
5 Notice to the Commonwealth's attorney shall be by mail, fax, or electronic means at
6 the discretion of the board, and shall be in a manner that ensures receipt at the
7 Commonwealth's~~Commonwealth~~ attorney's business office. Notices received by
8 chiefs of police and sheriffs shall be posted in a conspicuous location where police
9 employed by the department may see it. Notices shall be posted in a manner and at
10 a time that will allow officers to make comment thereon to the Parole Board. Notice
11 to victims or their next of kin shall be made, for prisoners incarcerated prior to July
12 15, 1986, by mail, fax, or electronic means at the discretion of the board, and shall
13 be in a manner that ensures receipt by the Commonwealth's attorney, who shall
14 forward the notice promptly to the victims or their next of kin at their last known
15 address. For prisoners incarcerated on or after July 15, 1986, notice to the victims
16 or their next of kin shall be by mail from the Parole Board to their last known
17 address as provided by the Commonwealth's attorney to the Parole Board at the
18 time of incarceration of the prisoner. For prisoners incarcerated prior to April 1,
19 2021, for a Class D felony included within the definition of "sex crime" in KRS
20 17.500, notice to the victims or their next of kin shall be in a manner that ensures
21 receipt by the Commonwealth's attorney, who shall forward the notice promptly to
22 the victims or their next of kin at their last known address. For prisoners
23 incarcerated on or after April 1, 2021, for a Class D felony included within the
24 definition of "sex crime" in KRS 17.500, notice to the victims or their next of kin
25 shall be by mail from the Parole Board to their last known address as provided by
26 the Commonwealth's attorney to the Parole Board at the time of incarceration of the
27 prisoner. Notice to the victim or the next of kin of subsequent considerations for

1 parole after the initial consideration shall not be sent if the victim or the next of kin
2 gives notice to the board that he or she no longer wants to receive such notices. The
3 notice shall include the time, date, and place of the hearing provided for in this
4 subsection, and the name and address of a person to write if the recipient of the
5 notice desires to attend the hearing or to submit written comments.

6 (6) Persons receiving notice as provided for in subsection (5) of this section may
7 submit comments, in person or in writing, to the board upon all issues relating to
8 the parole of the prisoner. The board shall read and consider all comments prior to
9 making its parole decision, if they are received by the board not less than seven (7)
10 days before the date for the hearing. The board shall retain all comments in the
11 prisoner's permanent Parole Board file, and shall consider them in conjunction with
12 any subsequent parole decisions affecting the prisoner. In addition to officers listed
13 in subsection (5) of this section, the crime victims or the next of kin of any victim
14 who is deceased or who is disabled and cannot attend the hearing or the parent or
15 legal guardian of any victim who is a minor may attend the hearing provided for in
16 subsection (5) of this section and present oral and written comments upon all issues
17 relating to the parole of the prisoner, if they have advised the board, in writing
18 received by the board not less than seven (7) days prior to the date set for the
19 hearing, of their intention to attend the hearing. The board shall receive and
20 consider all comments, shall make a record of them which it shall retain in the
21 prisoner's permanent Parole Board file, and shall consider them in conjunction with
22 any subsequent parole decision affecting the prisoner. Persons appearing before the
23 Parole Board pursuant to this subsection may elect to make their presentations
24 outside of the presence of the prisoner.

25 (7) Victims of Class D felonies not included within the definition of "sex crime" in
26 KRS 17.500 may submit comments in person or in writing to the board upon all
27 issues relating to the parole of a prisoner.

- 1 (8) Any hearing provided for in subsections (5), (6), and (7) of this section shall be
2 open to the public unless the persons having a right to appear before the board as
3 specified in those subsections request closure of hearing for reasons of personal
4 safety, in which event the hearing shall be closed. The time, date, and location of
5 closed hearings shall not be disclosed to the public.
- 6 (9) Except as specifically set forth in this section, nothing in this section shall be
7 deemed to expand or abridge any existing rights of persons to contact and
8 communicate with the Parole Board or any of its members, agents, or employees.
- 9 (10) The unintentional failure by the Parole Board, sheriff, chief of police, or any of its
10 members, agents, or employees or by a Commonwealth's attorney or any of his or
11 her agents or employees to comply with any of the provisions of subsections (5),
12 (6), and (8) of this section shall not affect the validity of any parole decision or give
13 rise to any right or cause of action by the crime victim, the prisoner, or any other
14 person.
- 15 (11) No eligible sexual offender within the meaning of KRS 197.400 to 197.440 shall be
16 granted parole unless he or she has successfully completed the Sexual Offender
17 Treatment Program.
- 18 (12) Any prisoner who is granted parole after completion of the Sexual Offender
19 Treatment Program shall be required, as a condition of his or her parole, to
20 participate in regular treatment in a mental health program approved or operated by
21 the Department of Corrections.
- 22 (13) When the board grants parole contingent upon completion of a program, the
23 commissioner, or his or her designee, shall determine the most appropriate
24 placement in a program operated by the department or a residential or
25 nonresidential program within the community approved by the department. If the
26 department releases a parolee to a nonresidential program, the department shall
27 release the parolee only if he or she will have appropriate community housing

1 pursuant to KRS 439.3408.

2 (14) If the parole board does not grant parole to a prisoner, the maximum deferment for
3 a prisoner convicted of a non-violent, non-sexual Class C or Class D felony shall be
4 twenty-four (24) months. For all other prisoners who are eligible for parole:

5 (a) No parole deferment greater than five (5) years shall be ordered unless
6 approved by a majority vote of the full board; and

7 (b) No deferment shall exceed ten (10) years, except for life sentences.

8 (15) When an order for parole is issued, it shall recite the conditions thereof.

9 ➔Section 143. KRS 439.3405 is amended to read as follows:

10 (1) Notwithstanding any statute eliminating parole or establishing minimum time for
11 parole eligibility for a certain class or status of offender, including KRS
12 439.340(11), 439.3401, 532.080(7), and 533.060, the board, with the written
13 consent of a majority of the full board, may review the case of any prisoner and
14 release that prisoner on parole despite any elimination of or minimum time for
15 parole eligibility, when the prisoner has a documented terminal medical condition
16 likely to result in death within one (1) year or severe chronic lung disease, end-
17 stage heart disease, severe neuromuscular~~[neuro-muscular]~~ disease such as
18 multiple sclerosis; or has severely limited mobility as a result of stroke, disease, or
19 trauma; or is dependent on external life support systems and would not pose a threat
20 to society if paroled.

21 (2) Medical information considered under this section shall be limited to the medical
22 findings supplied by Department of Corrections medical staff. The medical staff
23 shall provide in writing the prisoner's diagnosis and prognosis in support of the
24 conclusion that the prisoner suffers from a terminal medical condition likely to
25 result in death within one (1) year or because of the conditions set forth in
26 subsection (1) of this section he or she is substantially dependent on others for the
27 activities of daily living.

1 (3) The medical information prepared by the Department of Corrections medical staff
2 under this section shall be forwarded to the medical director of the Department of
3 Corrections who shall submit that information and a recommendation for or against
4 parole review under this section to the commissioner of the Department of
5 Corrections or his or her designee. With the approval of the commissioner of the
6 Department of Corrections, a request for parole review under this section, along
7 with the medical information and medical director's recommendation, shall be
8 submitted to the board.

9 (4) Medical information presented under this section shall be considered along with
10 other information relevant to a decision regarding the granting of parole and shall
11 not constitute the only reason for granting parole.

12 (5) Notwithstanding KRS 439.340(5), in addition to or in conjunction with each review
13 conducted under subsection (1) of this section for any prisoner convicted of a Class
14 A or B felony, or of a Class C felony involving violence or a sexual offense and
15 prior to the granting of parole to any such prisoner, the Parole Board shall conduct a
16 hearing of which the following persons shall receive not less than fifteen (15) nor
17 more than thirty (30) days' notice:

18 (a) The Commonwealth's attorney, who shall notify the sheriff of every county
19 and the chief of police of every city and county in which the prisoner
20 committed any Class A, B, or C felony for which he or she is imprisoned; and

21 (b) All identified victims of the crimes or the next of kin of any victim who is
22 deceased.

23 Notice to the Commonwealth's attorney shall be by mail, fax, or electronic means,
24 at the discretion of the board, and shall be in a manner that ensures receipt at the
25 Commonwealth's~~Commonwealth~~ attorney's business office. Notices received by
26 chiefs of police and sheriffs shall be posted in a conspicuous location where police
27 employed by the department may see it. Notices shall be posted in a manner and at

1 a time that will allow officers to make comment thereon to the Parole Board. Notice
 2 to victims or their next of kin shall be made by mail, fax, or electronic means, at the
 3 discretion of the board, to their last known address or telephone number as provided
 4 by the Commonwealth's attorney to the Parole Board at the time of incarceration of
 5 the prisoner. Notice to the victim or the next of kin of subsequent considerations for
 6 parole after the initial consideration shall not be sent if the victim or the next of kin
 7 gives notice to the board that he or she no longer wants to receive such notices. The
 8 notice shall include the time, date, and place of the hearing provided for in this
 9 subsection, and the name and address of a person to write if the recipient of the
 10 notice desires to attend the hearing or to submit written comments.

11 ➔Section 144. KRS 441.615 is amended to read as follows:

- 12 (1) There is created and established within the Finance and Administration Cabinet a
 13 Kentucky Local Correctional Facilities Construction Authority, composed of ten
 14 (10) members who shall be:
- 15 (a) The secretary of the Finance and Administration Cabinet, or his or her
 16 designee;
 - 17 (b) The commissioner of the Department of Corrections, or his or her designee;
 - 18 (c) The designee of the Kentucky Jailers Association;
 - 19 (d) The designee of the Kentucky County Judge/Executive~~[Judges/Executive]~~
 20 Association;
 - 21 (e) The designee of the Kentucky Association of Counties;
 - 22 (f) The designee of the Kentucky Magistrates and Commissioners Association;
 - 23 (g) Two (2) citizen members appointed by the Governor; and
 - 24 (h) Two (2) members of the General Assembly appointed by the Governor.
- 25 (2) The ex officio members shall serve for the term of their respective office. The
 26 legislative members of the authority shall serve at the pleasure of the Governor.
- 27 (3) Citizen members shall begin their terms on August 1, 1982, and shall be appointed

- 1 for a term of four (4) years; however, in making initial appointments, the Governor
2 shall appoint one (1) member for a term of two (2) years, and one (1) member for a
3 term of three (3) years.
- 4 (4) Vacancies occurring in the term of any member shall be filled in the same manner
5 as the original appointment.
- 6 (5) The ten (10) members of this authority and their successors are a body corporate
7 and politic constituting a public corporation and governmental agency and
8 instrumentality of the Commonwealth, with perpetual succession and with power in
9 that name to contract and be contracted with, to acquire and convey property, to sue
10 and be sued, to have and use a corporate seal, and to exercise all of the usual
11 powers of corporations not inconsistent with specifically enumerated powers.
- 12 (6) The members of the authority shall receive no compensation for their services, but
13 shall be entitled to reimbursement for all reasonable expenses necessary and
14 incidental to the performance of their duties and function as members of this
15 authority.
- 16 (7) The chairman of the authority shall be the secretary of finance. The members of the
17 authority shall elect a vice chairman and secretary from their membership.
- 18 (8) The secretary of the Finance and Administration Cabinet shall designate an
19 employee of his or her cabinet to serve as treasurer of the authority. The treasurer
20 shall give bond to the authority for a faithful accounting for all funds coming into
21 his or her custody, in the amount the authority may prescribe, drawn upon a surety
22 company qualified to do business in the Commonwealth, the premium to be paid by
23 the Commonwealth.
- 24 (9) The authority shall establish and maintain an office, and the secretary of the
25 authority shall maintain at that office~~[there]~~ complete records of the authority's
26 actions and proceedings, as public records open to inspection. The Finance and
27 Administration Cabinet shall provide the funds, staff assistants, facilities, and

1 materials required by the authority in the conduct of its duties and functions. The
2 secretary of the Finance and Administration Cabinet may require the Department of
3 Corrections to share in the expenses incurred by the Finance and Administration
4 Cabinet in maintaining and operating offices of the authority.

5 ➔Section 145. KRS 525.130 is amended to read as follows:

6 (1) A person is guilty of cruelty to animals in the second degree when except as
7 authorized by law he or she intentionally or wantonly:

8 (a) Subjects any animal to or causes cruel or injurious mistreatment through
9 abandonment, participates other than as provided in KRS 525.125 in causing
10 it to fight for pleasure or profit (including, but not limited to being a spectator
11 or vendor at an event where a four (4) legged animal is caused to fight for
12 pleasure or profit), mutilation, beating, torturing any animal other than a dog
13 or cat, tormenting, failing to provide adequate food, drink, space, or health
14 care, or by any other means;

15 (b) Subjects any animal in his or her custody to cruel neglect; or

16 (c) Kills any animal other than a domestic animal killed by poisoning. This
17 paragraph shall not apply to intentional poisoning of a dog or cat. Intentional
18 poisoning of a dog or cat shall constitute a violation of this section.

19 (2) Nothing in this section shall apply to the killing of animals:

20 (a) Pursuant to a license to hunt, fish, or trap;

21 (b) Incident to the processing as food or for other commercial purposes;

22 (c) For humane purposes;

23 (d) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

24 (e) For purposes relating to sporting activities, including but not limited to horse
25 racing at organized races and training for organized races, organized horse
26 shows, or other animal shows;

27 (f) For bona fide animal research activities of institutions of higher education; or

1 a business entity registered with the United States Department of Agriculture
2 under the Animal Welfare Act or subject to other federal laws governing
3 animal research;

4 (g) In defense of self or another person against an aggressive or diseased animal;

5 (h) In defense of a domestic animal against an aggressive or diseased animal;

6 (i) For animal or pest control; or

7 (j) For any other purpose authorized by law.

8 (3) Activities of animals engaged in hunting, field trials, dog training other than
9 training a dog to fight for pleasure or profit, and other activities authorized either by
10 a hunting license or by the Department of Fish and Wildlife Resources shall not
11 constitute a violation of this section.

12 (4) Cruelty to animals in the second degree is a Class A misdemeanor.

13 (5) If a person is convicted of or pleads guilty to an offense under subsection (1) of this
14 section arising from the person's treatment of an equine, the court may impose one
15 (1) or both of the following penalties against the person, in addition to fines and
16 imprisonment:

17 (a) An order that the person pay restitution for damage to the property of others
18 and for costs incurred by others, including reasonable costs, as determined by
19 agreement or by the court after a hearing, incurred in feeding, sheltering,
20 veterinary treatment, and incidental care of any equine that was the subject of
21 the offense resulting in conviction; or

22 (b) An order terminating or imposing conditions on the person's right to
23 possession, title, custody, or care of any equine that was the subject of the
24 offense resulting in conviction.

25 If a person's ownership interest in an equine is terminated by a judicial order under
26 paragraph (b) of this subsection, the court may order the sale, conveyance, or other
27 disposition of the equine that was the subject of the offense resulting in conviction.

1 ➔Section 146. KRS 529.010 is amended to read as follows:

2 The following definitions apply in this chapter unless the context otherwise requires:

- 3 (1) "Abuse or threatened abuse of law or legal process" means the use or threatened use
4 of a law or legal process, whether administrative, civil, or criminal, in any manner
5 or for any purpose for which the law was not designed, in order to exert pressure on
6 another person to cause that person to take some action or refrain from taking some
7 action;
- 8 (2) "Advancing prostitution" -- A person "advances prostitution" when acting other
9 than as a prostitute or as a patron thereof, he or she knowingly causes or aids a
10 person to engage in prostitution, procures or solicits patrons for prostitution,
11 provides persons or premises for prostitution purposes, operates or assists in the
12 operation of a house of prostitution or a prostitution enterprise, or engages in any
13 conduct designed to institute, aid or facilitate an act or enterprise of prostitution;
- 14 (3) "Commercial sexual activity" means:
- 15 (a) Any sex act, for which anything of value is given to, promised to, or received
16 by any person;
- 17 (b) Participation in the production of obscene material as set out in KRS Chapter
18 531; or
- 19 (c) Engaging in a sexually explicit performance;
- 20 (4) "Debt bondage" means the status or condition of a debtor arising from a pledge by
21 the debtor of his or her personal services or of those of a person under his or her
22 control as a security for the debt, if the value of those services as reasonably
23 assessed is not applied toward the liquidation of the debt or the length and nature of
24 those services are not respectively limited and defined;
- 25 (5) "Forced labor or services" means labor or services that are performed or provided
26 by another person and that are obtained through force, fraud, or coercion;
- 27 (6) "Force, fraud, or coercion" includes but is not limited to:

- 1 (a) The use or threat of force against, abduction of, restraint, or serious harm of
2 an individual;
- 3 (b) The abuse or threatened abuse of law or legal process;
- 4 (c) Facilitating, controlling, or threatening to control an individual's access to a
5 controlled substance;
- 6 (d) Knowingly destroying, concealing, removing, confiscating, or possessing, or
7 attempting to destroy, conceal, remove, confiscate, or possess any actual or
8 purported passport or other immigration documents or any other actual or
9 purported governmental identification documents of the person or family
10 member;
- 11 (e) Use of debt bondage; or
- 12 (f) The use of an individual's physical or mental impairment when the
13 impairment has a substantial adverse effect on the individual's cognitive or
14 volitional function;
- 15 (7) "Human trafficking" refers to criminal activity whereby one (1) or more persons are
16 subjected to engaging in:
- 17 (a) Forced labor or services; or
- 18 (b) Commercial sexual activity through the use of force, fraud, or coercion,
19 except that if the trafficked person is under the age of eighteen (18), the
20 commercial sexual activity need not involve force, fraud, or coercion;
- 21 (8) "Human trafficking victims fund" is the fund created in KRS 529.140;
- 22 (9) "Labor" means work of economic or financial value;
- 23 (10) "Minor" means a person under the age of eighteen (18) years;
- 24 (11) "Profiting from prostitution" -- A person "profits from prostitution" when acting
25 other than as a prostitute receiving compensation for personally rendered
26 prostitution services, he or she knowingly accepts or receives or agrees to accept or
27 receive money or other property pursuant to an agreement or understanding with

1 any person whereby he or she participates or is to participate in proceeds of
2 prostitution activity;

3 (12) "Serious harm" means any harm, whether physical or nonphysical, including
4 psychological, financial, or reputational harm, that is sufficiently serious to compel
5 a reasonable person to perform or to continue performing commercial sexual
6 activity in order to avoid incurring that harm;

7 (13) "Services" means an ongoing relationship between a person and the actor in which
8 the person performs activities under the supervision of or for the benefit of the
9 actor;

10 (14) "Sexual conduct" means sexual intercourse or any act of sexual gratification
11 involving the sex organs;

12 (15) "Sexually explicit performance" means a performance of sexual conduct involving:

13 (a) Acts of masturbation, homosexuality, lesbianism, bestiality, sexual
14 intercourse, or ~~deviate~~^{deviant} sexual intercourse, actual or simulated;

15 (b) Physical contact with, or willful or intentional exhibition of, the genitals;

16 (c) Flagellation or excretion for the purpose of sexual stimulation or gratification;

17 or

18 (d) The exposure, in an obscene manner, of the unclothed or apparently unclothed
19 human male or female genitals, pubic area, or buttocks, or the female breast,
20 whether or not subsequently obscured by a mark placed thereon, or otherwise
21 altered, in any resulting motion picture, photograph, or other visual
22 representation, exclusive of exposure portrayed in matter of a private, family
23 nature not intended for distribution outside the family; and

24 (16) "Victim of human trafficking" is a person who has been subjected to human
25 trafficking.

26 ➔Section 147. KRS 531.010 is amended to read as follows:

27 As used in this chapter:

- 1 (1) "Distribute" means to transfer possession of, whether with or without consideration.
- 2 (2) "Matter" means any book, magazine, newspaper, or other printed or written
3 material or any picture, drawing, photograph, motion picture, live image transmitted
4 over the Internet or other electronic network, or other pictorial representation or any
5 statue or other figure, or any recording transcription or mechanical, chemical or
6 electrical reproduction or any other articles, equipment, machines, or materials.
- 7 (3) "Obscene" means:
- 8 (a) To the average person, applying contemporary community standards, the
9 predominant appeal of the matter, taken as a whole, is to prurient interest in
10 sexual conduct; and
- 11 (b) The matter depicts or describes the sexual conduct in a patently offensive
12 way; and
- 13 (c) The matter, taken as a whole, lacks serious literary, artistic, political, or
14 scientific value.
- 15 (4) "Private erotic matter" means an obscene visual image, including a photograph,
16 film, video recording, or digital reproduction, of an identifiable person, depicting
17 sexual conduct or the exposure of uncovered human genitals, buttocks, or nipple of
18 the female breast. A person may be identifiable from the image itself or from
19 information distributed in connection with the visual image.
- 20 (5) "Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality,
21 sexual intercourse, or ~~*deviate*~~^[deviant] sexual intercourse; or physical contact with
22 the genitals, flagellation, or excretion for the purpose of sexual stimulation or
23 gratification.

24 ➔Section 148. KRS 531.300 is amended to read as follows:

25 As used in KRS 531.080 and 531.310 to 531.370:

- 26 (1) "Distribute" means to transfer possession of, whether with or without consideration;
- 27 (2) "Matter" means any book, magazine, newspaper, or other printed or written

1 material or any picture, drawing, photograph, motion picture, live image transmitted
2 over the Internet or other electronic network, or other pictorial representation or any
3 statue or other figure, or any recording transcription or mechanical, chemical or
4 electrical reproduction or any other articles, equipment, machines, or materials;

5 (3) "Obscene" means the predominate appeal of the matter taken as a whole is to a
6 prurient interest in sexual conduct involving minors;

7 (4) "Sexual conduct by a minor" means:

8 (a) Acts of masturbation, homosexuality, lesbianism, ~~bestiality~~^{bestiality},
9 sexual intercourse, or ~~deviate~~^{deviant} sexual intercourse, actual or simulated;

10 (b) Physical contact with, or willful or intentional exhibition of the genitals;

11 (c) Flagellation or excretion for the purpose of sexual stimulation or gratification;
12 or

13 (d) The exposure, in an obscene manner, of the unclothed or apparently unclothed
14 human male or female genitals, pubic area or buttocks, or the female breast,
15 whether or not subsequently obscured by a mark placed thereon, or otherwise
16 altered, in any resulting motion picture, photograph or other visual
17 representation, exclusive of exposure portrayed in matter of a private, family
18 nature not intended for distribution outside the family;

19 (5) "Performance" means any play, motion picture, photograph or dance. Performance
20 also means any other visual representation exhibited before an audience;

21 (6) "Sexual performance" means any performance or part thereof which includes sexual
22 conduct by a minor; and

23 (7) "Promote" means to prepare, publish, print, procure or manufacture, or to offer or
24 agree to do the same.

25 ➔Section 149. KRS 620.055 is amended to read as follows:

26 (1) An external child fatality and near fatality review panel is hereby created and
27 established for the purpose of conducting comprehensive reviews of child fatalities

1 and near fatalities, reported to the Cabinet for Health and Family Services,
2 suspected to be a result of abuse or neglect. The panel shall be attached to the
3 Justice and Public Safety Cabinet for staff and administrative purposes.

4 (2) The external child fatality and near fatality review panel shall be composed of the
5 following five (5) ex officio nonvoting members and seventeen (17) voting
6 members:

7 (a) Two (2) members of the Kentucky General Assembly, one (1) appointed by
8 the President of the Senate and one (1) appointed by the Speaker of the House
9 of Representatives, who shall be ex officio nonvoting members;

10 (b) The commissioner of the Department for Community Based Services, who
11 shall be an ex officio nonvoting member;

12 (c) The commissioner of the Department for Public Health, who shall be an ex
13 officio nonvoting member;

14 (d) A family court judge selected by the Chief Justice of the Kentucky Supreme
15 Court, who shall be an ex officio nonvoting members;

16 (e) A pediatrician from the University of Kentucky's Department of Pediatrics
17 who is licensed and experienced in forensic medicine relating to child abuse
18 and neglect to be selected by the Attorney General from a list of three (3)
19 names provided by the dean of the University of Kentucky ~~College~~[School] of
20 Medicine;

21 (f) A pediatrician from the University of Louisville's Department of Pediatrics
22 who is licensed and experienced in forensic medicine relating to child abuse
23 and neglect to be selected by the Attorney General from a list of three (3)
24 names provided by the dean of the University of Louisville School of
25 Medicine;

26 (g) The state medical examiner or designee;

27 (h) A court-appointed special advocate (CASA) program director to be selected

- 1 by the Attorney General from a list of three (3) names provided by the
2 Kentucky CASA Association;
- 3 (i) A peace officer with experience investigating child abuse and neglect
4 fatalities and near fatalities to be selected by the Attorney General from a list
5 of three (3) names provided by the commissioner of the Kentucky State
6 Police;
- 7 (j) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by
8 the Attorney General from a list of three (3) names provided by the president
9 of the Prevent Child Abuse Kentucky, Inc. board of directors;
- 10 (k) A practicing local prosecutor to be selected by the Attorney General;
- 11 (l) The executive director of the Kentucky Domestic Violence Association or the
12 executive director's designee;
- 13 (m) The chairperson of the State Child Fatality Review Team established in
14 accordance with KRS 211.684 or the chairperson's designee;
- 15 (n) A practicing social work clinician to be selected by the Attorney General from
16 a list of three (3) names provided by the Board of Social Work;
- 17 (o) A practicing addiction counselor to be selected by the Attorney General from
18 a list of three (3) names provided by the Kentucky Association of Addiction
19 Professionals;
- 20 (p) A representative from the family resource and youth service centers to be
21 selected by the Attorney General from a list of three (3) names submitted by
22 the Cabinet for Health and Family Services;
- 23 (q) A representative of a community mental health center to be selected by the
24 Attorney General from a list of three (3) names provided by the Kentucky
25 Association of Regional ~~[Mental Health and Mental Retardation]~~ Programs,
26 Inc.;
- 27 (r) A member of a citizen foster care review board selected by the Chief Justice

- 1 of the Kentucky Supreme Court;
- 2 (s) An at-large representative who shall serve as chairperson to be selected by the
3 Secretary of State;
- 4 (t) The president of the Kentucky Coroners Association; and
- 5 (u) A practicing medication-assisted treatment provider to be selected by the
6 Attorney General from a list of three (3) names provided by the Kentucky
7 Board of Medical Licensure.
- 8 (3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as
9 the case may be, shall have appointed panel members. Initial terms of
10 members, other than those serving ex officio, shall be staggered to provide
11 continuity. Initial appointments shall be: five (5) members for terms of one (1)
12 year, five (5) members for terms of two (2) years, and five (5) members for
13 terms of three (3) years, these terms to expire, in each instance, on June 30
14 and thereafter until a successor is appointed and accepts appointment.
- 15 (b) Upon the expiration of these initial staggered terms, successors shall be
16 appointed by the respective appointing authorities, for terms of two (2) years,
17 and until successors are appointed and accept their appointments. Members
18 shall be eligible for reappointment. Vacancies in the membership of the panel
19 shall be filled in the same manner as the original appointments.
- 20 (c) At any time, a panel member shall recuse himself or herself from the review
21 of a case if the panel member believes he or she has a personal or private
22 conflict of interest.
- 23 (d) If a voting panel member is absent from two (2) or more consecutive,
24 regularly scheduled meetings, the member shall be considered to have
25 resigned and shall be replaced with a new member in the same manner as the
26 original appointment.
- 27 (e) If a voting panel member is proven to have violated subsection (13) of this

1 section, the member shall be removed from the panel, and the member shall
2 be replaced with a new member in the same manner as the original
3 appointment.

4 (4) The panel shall meet at least quarterly and may meet upon the call of the
5 chairperson of the panel.

6 (5) Members of the panel shall receive no compensation for their duties related to the
7 panel, but may be reimbursed for expenses incurred in accordance with state
8 guidelines and administrative regulations.

9 (6) Each panel member shall be provided copies of all information set out in this
10 subsection, including but not limited to records and information, upon request, to be
11 gathered, unredacted, and submitted to the panel within thirty (30) days by the
12 Cabinet for Health and Family Services from the Department for Community Based
13 Services or any agency, organization, or entity involved with a child subject to a
14 fatality or near fatality:

15 (a) Cabinet for Health and Family Services records and documentation regarding
16 the deceased or injured child and his or her caregivers, residents of the home,
17 and persons supervising the child at the time of the incident that include all
18 records and documentation set out in this paragraph:

- 19 1. All prior and ongoing investigations, services, or contacts;
- 20 2. Any and all records of services to the family provided by agencies or
21 individuals contracted by the Cabinet for Health and Family Services;
22 and
- 23 3. All documentation of actions taken as a result of child fatality internal
24 reviews conducted pursuant to KRS 620.050(12)(b);

25 (b) Licensing reports from the Cabinet for Health and Family Services, Office of
26 Inspector General, if an incident occurred in a licensed facility;

27 (c) All available records regarding protective services provided out of state;

- 1 (d) All records of services provided by the Department for Juvenile Justice
2 regarding the deceased or injured child and his or her caregivers, residents of
3 the home, and persons involved with the child at the time of the incident;
- 4 (e) Autopsy reports;
- 5 (f) Emergency medical service, fire department, law enforcement, coroner, and
6 other first responder reports, including but not limited to photos and
7 interviews with family members and witnesses;
- 8 (g) Medical records regarding the deceased or injured child, including but not
9 limited to all records and documentation set out in this paragraph:
- 10 1. Primary care records, including progress notes; developmental
11 milestones; growth charts that include head circumference; all
12 laboratory and X-ray requests and results; and birth record that includes
13 record of delivery type, complications, and initial physical exam of
14 baby;
- 15 2. In-home provider care notes about observations of the family, bonding,
16 others in home, and concerns;
- 17 3. Hospitalization and emergency department records;
- 18 4. Dental records;
- 19 5. Specialist records; and
- 20 6. All photographs of injuries of the child that are available;
- 21 (h) Educational records of the deceased or injured child, or other children residing
22 in the home where the incident occurred, including but not limited to the
23 records and documents set out in this paragraph:
- 24 1. Attendance records;
- 25 2. Special education services;
- 26 3. School-based health records; and
- 27 4. Documentation of any interaction and services provided to the children

1 and family.

2 The release of educational records shall be in compliance with the Family
3 Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its
4 implementing regulations;

5 (i) Head Start records or records from any other child care or early child care
6 provider;

7 (j) Records of any Family, Circuit, or District Court involvement with the
8 deceased or injured child and his or her caregivers, residents of the home and
9 persons involved with the child at the time of the incident that include but are
10 not limited to the juvenile and family court records and orders set out in this
11 paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:

12 1. Petitions;

13 2. Court reports by the Department for Community Based Services,
14 guardian ad litem, court-appointed special advocate, and the Citizen
15 Foster Care Review Board;

16 3. All orders of the court, including temporary, dispositional, or
17 adjudicatory; and

18 4. Documentation of annual or any other review by the court;

19 (k) Home visit records from the Department for Public Health or other services;

20 (l) All information on prior allegations of abuse or neglect and deaths of children
21 of adults residing in the household;

22 (m) All law enforcement records and documentation regarding the deceased or
23 injured child and his or her caregivers, residents of the home, and persons
24 involved with the child at the time of the incident; and

25 (n) Mental health records regarding the deceased or injured child and his or her
26 caregivers, residents of the home, and persons involved with the child at the
27 time of the incident.

- 1 (7) The panel may seek the advice of experts, such as persons specializing in the fields
2 of psychiatric and forensic medicine, nursing, psychology, social work, education,
3 law enforcement, family law, or other related fields, if the facts of a case warrant
4 additional expertise.
- 5 (8) The panel shall post updates after each meeting to the website~~[Web site]~~ of the
6 Justice and Public Safety Cabinet regarding case reviews, findings, and
7 recommendations.
- 8 (9) The panel chairperson, or other requested persons, shall report a summary of the
9 panel's discussions and proposed or actual recommendations to the Interim Joint
10 Committee on Health, Welfare, and Family Services~~[and Welfare]~~ of the
11 Kentucky General Assembly monthly or at the request of a committee co-chair. The
12 goal of the committee shall be to ensure impartiality regarding the operations of the
13 panel during its review process.
- 14 (10) (a) The panel shall publish an annual report by February 1 of each year consisting
15 of case reviews, findings, and recommendations for system and process
16 improvements to help prevent child fatalities and near fatalities that are due to
17 abuse and neglect. The report shall be submitted to the Governor, the
18 secretary of the Cabinet for Health and Family Services, the Chief Justice of
19 the Supreme Court, the Attorney General, the State Child Abuse and Neglect
20 Prevention Board established pursuant to KRS 15.905, and the director of the
21 Legislative Research Commission for distribution to the Interim Joint
22 Committee on Health, Welfare, and Family Services, and the Interim Joint
23 Committee on Judiciary.
- 24 (b) The panel shall determine which agency is responsible for implementing each
25 recommendation, and shall forward each recommendation in writing to the
26 appropriate agency.
- 27 (c) Any agency that receives a recommendation from the panel shall, within

1 ninety (90) days of receipt:

- 2 1. Respond to the panel with a written notice of intent to implement the
- 3 recommendation, an explanation of how the recommendation will be
- 4 implemented, and an approximate time frame of implementation; or
- 5 2. Respond to the panel with a written notice that the agency does not
- 6 intend to implement the recommendation, and a detailed explanation of
- 7 why the recommendation cannot be implemented.

8 (11) Information and record copies that are confidential under state or federal law and
9 are provided to the external child fatality and near fatality review panel by the
10 Cabinet for Health and Family Services, the Department for Community Based
11 Services, or any agency, organization, or entity for review shall not become the
12 information and records of the panel and shall not lose their confidentiality by
13 virtue of the panel's access to the information and records. The original information
14 and records used to generate information and record copies provided to the panel in
15 accordance with subsection (6) of this section shall be maintained by the
16 appropriate agency in accordance with state and federal law and shall be subject to
17 the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests
18 shall be made to the appropriate agency, not to the external child fatality and near
19 fatality review panel or any of the panel members. Information and record copies
20 provided to the panel for review shall be exempt from the Kentucky Open Records
21 Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies
22 of information and records provided to the panel involving an individual case shall
23 be destroyed by the Justice and Public Safety Cabinet.

24 (12) Notwithstanding any provision of law to the contrary, the portions of the external
25 child fatality and near fatality review panel meetings during which an individual
26 child fatality or near fatality case is reviewed or discussed by panel members may
27 be a closed session and subject to the provisions of KRS 61.815(1) and shall only

1 occur following the conclusion of an open session. At the conclusion of the closed
2 session, the panel shall immediately convene an open session and give a summary
3 of what occurred during the closed session.

4 (13) Each member of the external child fatality and near fatality review panel, any
5 person attending a closed panel session, and any person presenting information or
6 records on an individual child fatality or near fatality shall not release information
7 or records not available under the Kentucky Open Records Act, KRS 61.870 to
8 61.884, to the public.

9 (14) A member of the external child fatality and near fatality review panel shall not be
10 prohibited from making a good-faith~~[good faith]~~ report to any state or federal
11 agency of any information or issue that the panel member believes should be
12 reported or disclosed in an effort to facilitate effectiveness and transparency in
13 Kentucky's child protective services.

14 (15) A member of the external child fatality and near fatality review panel shall not be
15 held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as
16 a result of any action taken or omitted in the performance of the member's duties
17 pursuant to this section and KRS 620.050, except for violations of subsection (11),
18 (12), or (13) of this section.

19 (16) The proceedings, records, opinions, and deliberations of the external child fatality
20 and near fatality review panel shall be privileged and shall not be subject to
21 discovery, subpoena, or introduction into evidence in any civil or criminal actions
22 in any manner that would directly or indirectly identify specific persons or cases
23 reviewed by the panel. Nothing in this subsection shall be construed to restrict or
24 limit the right to discover or use in any civil action any evidence that is
25 discoverable independent of the proceedings of the panel.

26 (17) The Legislative Oversight and Investigations Committee of the Kentucky General
27 Assembly shall conduct an annual evaluation of the external child fatality and near

1 fatality review panel established pursuant to this section to monitor the operations,
2 procedures, and recommendations of the panel and shall report its findings to the
3 General Assembly.

4 ➔Section 150. In the event the Legislative Research Commission dissolves the
5 Interim Joint Committee on Health, Welfare, and Family Services and establishes one or
6 more interim joint committees with jurisdiction over health services or families and
7 children prior to the 2023 Interim, the reviser of statutes shall change the statutory
8 references to the Interim Joint Committee on Health, Welfare, and Family Services to the
9 established interim joint committee with jurisdiction over health services or families and
10 children, as appropriate, notwithstanding the amendments contained in this Act.