



**Kentucky Legislative Report  
March 7, 2011 - Regular Session Update  
Smith Management Group Government Solutions  
Prepared by  
Scott R. Smith and Kori Andrews**

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**Scott's Thoughts**

On Friday, the final full week of the 2011 session of the General Assembly came to an end. The legislature returns today, Monday, for the second concurrence day. The veto period will run from March 8-18, and March 21 and 22 will mark the end of the session.

In a fast-moving several days, many of the bills that we have been following were sent to the Governor for signature. These include: SB 8 (one-stop shop to conduct business); SB 39 (construction contracts obtained by out-of-state entities); SB 50 (carbon capture and transport); SB 70 (cleanup standards); HB 259 (carbon storage); and HB 433 (waste tires).

In addition, several of the bills we have followed await concurrence. These are: SB 120, which would certify labs, was amended to include a biomass initiative and passed the House floor last Wednesday; SB 151 would require election of PSC officials narrowly passed the House on Tuesday; HB 26 (regional wastewater commissions); and HB 385, which deals with coal bonds, was amended by the Senate to include a provision for wastewater lab certification.

It appears that several of the bills that we have been following will not be signed into law. Some of these bills are: SB 6 and HB 3 (immigration bills); SB 10 (21<sup>st</sup> Century Bill of Rights, including promotion of coal use); SB 34 (nuclear power); HB 29 (energy assistance); HB 340 (incentives for renewable and alternative energy projects); HB 421 (intrastate coal use); HB 24 (public access to legislative branch financial information); and SB 1 and SB 7 (tax bills).

**NOTE: GOVERNOR BESHEAR HAS CALLED A SPECIAL SESSION TO ADDRESS THE MEDICAID SHORTFALL BUDGET ISSUE. THE SESSION WILL BEGIN MONDAY, MARCH 14, 2011. NO INDICATIONS OF A PENDING AGREEMENT AT THIS TIME. More news to follow.**

Listed below are the bills that we have been tracking that may be of some interest to you. These bills address energy, environment, health, safety, and public utilities.

The bill numbers found in this document are linked to the Kentucky Legislative Review Commission's web page so you can review the proposed legislation. Remember you can check the bill status in this document and click on the links to review bills that interest you.

This is by no means an all encompassing list of bills. Don't hesitate to contact me if you want me to add additional issues, need copies of the proposed legislation or have questions about these or other bills you've heard about.

**DO YOU KNOW SOMEONE WHO WANTS TO RECEIVE THESE UPDATES?**

Send this to a colleague and tell them to write us at [scottr.smith@smithmanage.com](mailto:scottr.smith@smithmanage.com) if they want to receive notice when these postings are updated.

**QUESTIONS, COMMENTS, ADDITIONAL INFORMATION**

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**Economic Development**

**SB 8** – Senator [David Givens](#), Senator [John Schickel](#), Senator [Mike Wilson](#)

AN ACT relating to a one-stop-shop to conduct business in the Commonwealth and making an appropriation therefor, and declaring an emergency.

Create a new section of KRS Chapter 14 to require the Secretary of State to establish a business-one-stop electronic state business portal to facilitate interaction among businesses and governmental agencies in the Commonwealth, to mandate that certain elements be included in the development of the business portal, to coordinate with appropriate cabinet to develop certain aspects of the business portal, and to have the basics of the business portal operational by July 1, 2012; Amend KRS 11.202 to require the Commission on Small Business Advocacy to submit an annual report beginning December 1, 2012 to LRC and the Secretary of State with an analysis of how to improve the business-one-stop portal so that it is more user friendly; amend KRS 42.730 to direct the executive director of the Commonwealth Office of Technology to conduct research regarding the various technical and filing requirements necessary for the successful development of the business portal, to submit a report to the Legislative Research Commission no later than December 31, 2011; make an appropriation to the Commonwealth Office of Technology for a study; EMERGENCY.

**SB 8** - AMENDMENTS

**SCS** - Retain the original provisions of the bill except with the following changes; permit electronic filings by local governments; provide for the core standards rather than the basics of the portal to be operational by a date certain; include the secretary of the Finance and Administration Cabinet as one of the coordinating principals in the development of certain aspects of the business portal; reduce from \$250,000 to \$150,000 the amount of money to be appropriated from the General Fund for a study.

**HCS** - Retain provisions of SCS, except add Cabinet for Economic Development, Finance and

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Administration, and the Commonwealth Office of Technology as agencies responsible for establishing portal; create an Advisory Committee composed of representatives from various state agencies to make assessments and recommendations; specify issues to be included in the committee's assessment, and in the one-stop portal; remove appropriation.

[HCA \(1\)](#)/Title, R. Palumbo) - Make title amendment.

Jan 4-introduced in Senate; to Licensing, Occupations, & Administrative Regulations (S); taken from Licensing, Occupations, & Administrative Regulations (S); 1st reading; returned to Licensing, Occupations, & Administrative Regulations (S)

Jan 5-reported favorably, 2nd reading, to Rules with Committee Substitute ; posted for passage in the Regular Orders of the Day for Thursday, January 6, 2011

Jan 6-3rd reading, passed 38-0 with Committee Substitute

Jan 7-received in House

Feb 1-to Economic Development (H)

Feb 23-posting waived

Feb 24-reported favorably, 1st reading, to Calendar with Committee Substitute, committee amendment (1-title)

Feb 25-2nd reading, to Rules

Feb 28-posted for passage in the Regular Orders of the Day for Tuesday, March 1, 2011

Mar 3-3rd reading, passed 99-0 with Committee Substitute, committee amendment (1-title) ; received in Senate

Mar 4-posted for passage for concurrence in House Committee Substitute, committee amendment (1-title) ; Senate concurred in House Committee Substitute, committee amendment (1-title) ; passed 37-0; enrolled, signed by each presiding officer; delivered to Governor

[SB 50](#) – Senator [Tom Jensen](#)

AN ACT relating to the capture and transportation of carbon dioxide.

Amend Subchapter 27 of KRS Chapter 154 to include carbon dioxide transmission pipeline eligibility for Incentives for Energy Independence Act; grant companies constructing carbon dioxide transmission pipelines eminent domain powers; require carbon dioxide transmission pipeline to obtain construction certificate from the Ky State Board on Electric Generation and Siting; amend KRS 154.27-010, 154.27-020, 278.495, 278.700, and 278.714 to conform.

### [SB 50](#) - AMENDMENTS

[SCS](#) - Retain original provisions of SB 50; amend 278.495 to delete the Public Service Commission's responsibility to monitor compliance of the federal pipeline safety laws; amend KRS 278.714 to allow the Kentucky State Board on Electric Generation and Siting to hire a consultant to review the pipeline plans and provide recommendations to the board; allow the consultant to prepare a formal report and provide that the pipeline pays for the consultant; allow for a public hearing upon a request by three people who reside where the pipeline will be built; delete from the board's consideration factors pertaining to adverse impacts on private landowners, cost effectiveness of the pipeline, and environmental factors.

[HFA \(1\)](#)/Title, G. Stumbo) - Make title amendment.

[HFA \(2\)](#), G. Stumbo) - Direct PSC to expedite review for purchase power contracts with Kentucky generation facilities that meet certain requirements

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Jan 5-introduced in Senate  
 Jan 6-to Natural Resources and Energy (S)  
 Feb 9-reported favorably, 1st reading, to Calendar with Committee Substitute  
 Feb 10-2nd reading, to Rules  
 Feb 15-posted for passage in the Regular Orders of the Day for Tuesday, February 15, 2011; 3rd reading, passed 37-0 with Committee Substitute  
 Feb 16-received in House  
 Feb 17-to Tourism Development & Energy (H)  
 Feb 18-posted in committee  
 Feb 24-reported favorably, 1st reading, to Calendar  
 Feb 25-2nd reading, to Rules; floor amendments (1-title) and (2) filed  
 Feb 28-posted for passage in the Regular Orders of the Day for Tuesday, March 1, 2011  
 Mar 1-3rd reading, passed 80-17  
 Mar 2-received in Senate  
 Mar 3-enrolled, signed by President of the Senate  
 Mar 4-enrolled, signed by Speaker of the House; delivered to Governor

**HB 259** – Representative [Brent Yonts](#), Representative [Jim Gooch Jr.](#), Representative [John Short](#)

AN ACT relating to economic development.

Create new sections of KRS Chapter 353 to define terms; state legislative findings; direct Energy and Environment Cabinet to seek one to five projects demonstrating injection of carbon dioxide into geologic storage; provide a process for pooling of pore space necessary to create underground carbon storage reservoirs; create a process whereby ownership of and liability for stored carbon dioxide will pass to the federal or state government following a period of monitoring of the storage facility; direct the Energy and Environment Cabinet to undertake discussions with surrounding states concerning accidental migration of geologically stored carbon across state lines; require annual reports.

#### **HB 259 - AMENDMENTS**

**HCS** - Direct the division to seek primary jurisdiction permissive rather than mandatory; require pooling changed from 51% of surface acreage to interest in the necessary pore space; require pooling order to set compensation for interest holders.

**HFA(1, B. Yonts)** - Replace references to "owners and leaseholders" with "pore space owners" in Sections 4 and 5.

Feb 1-introduced in House  
 Feb 2-to Natural Resources & Environment (H)  
 Feb 7-posted in committee  
 Feb 10-reported favorably, 1st reading, to Calendar with Committee Substitute  
 Feb 11-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Monday, February 14, 2011; floor amendment (1) filed to Committee Substitute  
 Feb 14-3rd reading, passed 91-8 with Committee Substitute, floor amendment (1)  
 Feb 15-received in Senate  
 Feb 17-to Natural Resources and Energy (S)

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Feb 23-reported favorably, 1st reading, to Calendar  
 Feb 24-2nd reading, to Rules  
 Feb 28-posted for passage in the Regular Orders of the Day for Monday, February 28, 2011; 3rd reading, passed 38-0  
 Mar 1-received in House  
 Mar 2-enrolled, signed by Speaker of the House  
 Mar 3-enrolled, signed by President of the Senate; delivered to Governor

## **Energy**

**SB 151** – Senator [Ray Jones II](#), Senator [Johnny Ray Turner](#), Senator [Walter Blevins Jr.](#)

AN ACT relating to Public Service Commission members.

Amend KRS 278.050 to expand membership of the Public Service Commission (PSC) from three to seven commissioners, one for each U.S. Congressional District and one for the state at large, who shall be elected for staggered four year terms beginning with the next regular election in even-numbered years for terms of four years, to begin on the first day of January of the year succeeding their election as follows: At the regular election to be held in November 2012, and every four years thereafter, there shall be elected for a term of four years one member of the Public Service Commission in each odd-numbered Congressional District and one state-at-large member in which the term of his or her predecessor in office will expire; and at the regular election to be held in November 2014, and every four years thereafter, there shall be elected for a term of four years one member of the Public Service Commission in each even-numbered Congressional District in which the term of his or her predecessor in office will then expire; provide that each member of the commission for retirement purposes shall be eligible to membership in the Kentucky Employees Retirement System as set forth in KRS 61.515 to 61.705 and the at-large commission member and a commission member designated by the Governor shall serve as co-chairs of the Public Service Commission; require that the Governor to appoint a new member of the commission to fill any vacancy; provide that all appointments made to the Public Service Commission by the Governor prior to or subsequent to the effective date of this Act shall expire on January 1, 2013; amend KRS 278.060 to require that each commissioner, including the at-large commission member, be a resident and qualified voter of this state and be no less than 25 years of age at the time of his or her election and shall have resided in this state and in his or her Congressional District for no less than three years prior to his or her election and shall not be qualified to run for commissioner if he or she holds any official relationship to any utility, or owns stocks or bonds thereof, or who has any pecuniary interest therein for three years prior to his or her election; require that members of the Public Service Commission be subject to the Executive Branch Code of Ethics in accordance with KRS 11A.001 to 11A.990; amend KRS 11A.010 to conform.

### **SB 151** - AMENDMENTS

**SCS** - Delete all provisions of SB 151; direct the Legislative Research Commission to study the positive and negative effects of electing members of the Kentucky Public Service Commission; determine the impact of electing and expanding the number of commissioners on utility ratepayers and the cost of elections on the public; make recommendations on ways to protect the ratepayers, provide consumer input and consumer protections; complete the study by December 1, 2011 and report to the Legislative Research Commission.

**HFA (1, B. Farmer)** - Retain original provisions, except amend KRS 278.050 to clearly state that candidates for election to the Public Service Commission shall comply with campaign finance regulations

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in KRS Chapter 121; amend KRS 121.150 to provide that candidates for election to the Public Service Commission cannot make expenditures greater than \$1,000 in the aggregate in any one election.

[HFA \(2\)](#), B. Farmer) - Amend KRS 12.255 to require that the office of secretary for each program cabinets listed in KRS 12.250 be elected by the voters of the state rather than appointed by the Governor; include terms, qualifications, and requirements of cabinet secretaries; amend KRS 12.252, 18A.015, 18A.025, 151B.020, 154.10-040, and 174.020 to conform.

[HFA \(3\)](#)/Title, B. Farmer) - Make title amendment.

[HFA \(4\)](#), B. Farmer) - Add to the study the question of whether municipal utilities should be regulated by the Public Service Commission.

Feb 10-introduced in Senate

Feb 14-to Natural Resources and Energy (S)

Feb 16-reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 17-2nd reading, to Rules

Feb 18-posted for passage in the Regular Orders of the Day for Friday, February 18, 2011; 3rd reading; Committee Substitute withdrawn; passed 29-5

Feb 22-received in House

Feb 23-to Tourism Development & Energy (H); posting waived

Feb 25-floor amendments (1) (2) and (3-title) filed

Feb 28-reported favorably, 1st reading, to Calendar with Committee Substitute, committee amendment (1-title); floor amendment (4) filed to Committee Substitute

Mar 1-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Wednesday, March 2, 2011

Mar 2-3rd reading, passed 48-46 with Committee Substitute, committee amendment (1-title), floor amendment (4); received in Senate

[HB 385](#) – Representative [Jim Gooch Jr.](#), Representative [Fitz Steele](#)

AN ACT relating to coal.

Amend KRS 350.060 to require as of the effective date of the Act that any determination by the cabinet to change a bond requirement or bond amount currently in use result in a new administrative regulation that includes all bond requirements including the bond amount; proscribe bond amounts from being instituted as policy; require after the effective date of the Act an administrative regulation that fails to include bond amounts to be declared automatically deficient.

#### [HB 385](#) - AMENDMENTS

[HCS](#) - Retain original provisions of HB 385; delete bond amounts and replace with bond protocol.

[SCS](#) - Retain original provisions of HB 385/GA, except create a new section of Subchapter 10 of KRS Chapter 224 to allow the Energy and Environment Cabinet to promulgate administrative regulations to: establish standards for the operation of laboratories relating to testing for wastewater pollution, set fees for certification, evaluate the competency of the laboratories, and establish a certification program for laboratories that submit environmental data relating to tests for all types of wastewater pollution; require that all environmental samples collected be submitted to a certified laboratory once the administrative regulations have been promulgated; invalidate samples submitted by uncertified laboratories one year after the effective date of the administrative regulations.

[SCA \(1\)](#)/Title, B. Smith) - Make title amendment.

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Feb 8-introduced in House  
 Feb 9-to Natural Resources & Environment (H)  
 Feb 14-posted in committee  
 Feb 17-reported favorably, 1st reading, to Consent Calendar with Committee Substitute  
 Feb 18-2nd reading, to Rules  
 Feb 22-posted for passage in the Consent Orders of the Day for Wednesday, February 23, 2011  
 Feb 23-3rd reading, passed 99-0 with Committee Substitute  
 Feb 24-received in Senate  
 Feb 28-to Natural Resources and Energy (S)  
 Mar 2-reported favorably, 1st reading, to Consent Calendar  
 Mar 3-2nd reading, to Rules  
 Mar 4-taken from Rules (S); recommitted to Natural Resources and Energy (S); reported favorably, to Rules with Committee Substitute, committee amendment (1-title) as a Consent Bill; posted for passage in the Regular Orders of the Day for Friday, March 4, 2011; 3rd reading, passed 36-1 with Committee Substitute, committee amendment (1-title) ; received in House

## **Environment and Conservation**

**HB 26** - Representative [Linda Belcher](#)

AN ACT relating to wastewater.

Create new sections of KRS Chapter 65 to express the findings of the General Assembly regarding wastewater and to authorize the creation of a regional wastewater commission as a pilot project area within Bullitt, Hardin, Jefferson, Meade, Nelson, Oldham, and Spencer Counties; establish definitions for "commission," "member entity," "organizing official," "wastewater," and "sources of collected water," allow 2 or more member entities owning wastewater systems to acquire, construct, operate, and improve those systems; establish a method for member entities to form a regional wastewater commission; require the governing body of any member entity proposing participation in the commission to publish notice of a public hearing in accordance with KRS Chapter 424 at least 30 days' prior to the hearing; establish appointments of 1 commissioner to represent each member entity; require that the commissioner be a customer, resident, or authorized representative of the member entity; require no less than 3 commissioners and set the terms for the commissioners at 4 years; allow the commission to appoint a chair and officers; allow member entities to join existing commissions at any time; allow the commission salaries for other officers and employees; allow the commission's fund to pay expenses of commissioners and employees; require bonding for commissioners and other minor officials and bonds paid by the commission fund; require commission meetings and records be subject to open meetings and open records laws; allow removal of a commissioner for cause; establish a method for a member entity to withdraw from the commission; establish the commission as a public body corporate and politic; allow the commission to execute contracts, make loans, issue and repay revenue bonds, receive proceeds from loans or grants, purchase, acquire, hold, and dispose of real and personal property, and exercise powers granted under KRS Chapters 58 and 224A; allow the commission to have full and complete supervision, management, and control over all of its facilities; require construction or expansion of any wastewater facility proposed be approved by either the Division of Water or the United States Environmental Protection Agency; exempt the commission from taxation; require the commission to procure the services of a certified public accountant to conduct an audit of all funds and fiscal transactions annually; exempt the commission from regulation by the Public Service Commission, except for contracts between the commission and a utility regarding provision of services that would result in an increase in rates paid by customers of that utility subject to approval by the Public Service Commission; allow the commission to set its rates and terms through contracts with member entities, nonmember entities, and neighboring

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states; establish minimum contract requirements; require a vote by the commission for rate changes and adjustments and notice requirements prior to rate changes; require the commission to procure professional or independent accounting to determine operating, maintenance, and debt service costs and provide recommendations for specific rates to offset the costs every 5 years; require the commission to determine final rates and charges based on the 5-year study consultation; require the commission to provide at least 60 days' written notice to the governing bodies of the member entities prior to the effective date of any change in rates or charges for service; amend KRS 58.010 to include a regional wastewater commission in the definition of "governmental agency"; amend KRS 224A.011 to include a regional wastewater commission in the definition of "governmental agency," and to include facilities related to the collection, transportation, and treatment of wastewater in the definitions of "infrastructure project" and "water resources project"; amend KRS 278.010 to exclude a regional wastewater commission from the definition of "public utility."

### HB 26 – AMENDMENTS

HCS - Retain original provisions of the bill, but in Section 1, remove Spencer County from list of counties that the pilot project can include; amend subsection 3 of Section 10 of the bill regarding costs that are attributable to the agreement between two service providers from being "other costs directly attributable", to be rather "any costs attributable" to be retired in whole or in part from revenue generated from providing the service without releasing the entity from the service agreement; amend subsection 1 of Section 11 regarding the levying of special rates under certain circumstances to allow the levying of special rates but to ensure that such rates do not affect the benefits to nonmembers.

SCS (1) - Retain original provisions of HB 26/GA; remove Nelson county from counties eligible to participate in wastewater commission; amend the definition of organizing official to include a member entity elected by the majority of member entities; create new sections of KRS Chapter 220 to require financial information of sanitation districts be available on the Internet; require that rates of a wastewater commission be fair, just, and reasonable; require rates of a wastewater commission to be provisional until approved by a majority of the legislative bodies that contain the member entity; require approval by the fiscal court if the member entity of the waste water commission is a special district or an agency of state or federal government; create a new section of KRS Chapter 220 to require sanitation district user fees, charges, and rates to be approved by the majority of the fiscal courts that participate in the district; amend KRS 220.035 to require service charges, rates, and user fees of districts not governed by KRS 220.135 to be approved by county fiscal courts.

SCS (2) - Retain original provisions of HB 26/GA; remove Nelson county from counties eligible to participate in wastewater commission; amend the definition of organizing official to be a member entity elected by the majority of member entities; create new sections of KRS Chapter 220 to require financial information of sanitation districts be available on the Internet unless the district has less than 10,000 customers; require that rates of a wastewater commission be fair, just, and reasonable; require rates of a wastewater commission to be provisional until approved by a majority of the legislative bodies that contain the member entity; require approval by the fiscal court if the member entity of the waste water commission is a special district or an agency of state or federal government; create a new section of KRS Chapter 220 to require sanitation district user fees, charges, and rates to be approved by the majority of the fiscal courts that participate in the district if the rate is five percent or greater and by the chief executive of the counties and the mayor of a consolidated local government if less than five percent; amend KRS 220.035 to conform.

SCS (3) - Retain original provisions of HB 26/GA; remove Nelson county from counties eligible to participate in wastewater commission; amend the definition of organizing official to be a member entity elected by the majority of member entities; create new sections of KRS Chapter 220 to require financial

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information of sanitation districts be available on the Internet unless the district has less than 10,000 customers; require that rates of a wastewater commission be fair, just, and reasonable; require rates of a wastewater commission to be provisional until approved by a majority of the legislative bodies that contain the member entity if the rate increase is greater than 5 percent; require that rate increases of 5 percent or more not occur more than once in a 12 month period; require approval by the fiscal court if the member entity of the waste water commission is a special district or an agency of state or federal government; create a new section of KRS Chapter 220 to require sanitation district user fees, charges, and rates to be approved by the majority of the fiscal courts that participate in the district if the rate is 5 percent; delete requirement if the KRS Chapter 220 district has 10,000 or less customer accounts; amend KRS 220.035 to restore permissive authority of fiscal courts to approve rate increases if those increases are less than 5 percent and the district within the county has fewer than 10,000 customer accounts; require that rate increases not occur more than once within a 12 month period.

[SFA \(1\)](#), J. Higdon) - Amend HB 26/GA to remove Nelson County from regional waste water authority.  
[SFA \(2\)](#), D. Seum) - Amend definition of organizing official to make it elected from the member entities.

(Prefiled by the sponsor(s).)

Oct 6-To: Interim Joint Committee on Natural Resources and Environment

Jan 4-introduced in House; to Local Government (H)

Feb 1-posting waived

Feb 9-reported favorably, 1st reading, to Consent Calendar with Committee Substitute

Feb 10-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Friday,

February 11, 2011

Feb 11-taken from the Consent Orders of the Day, placed in the Regular Orders of the Day

Feb 15-3rd reading, passed 65-30 with Committee Substitute

Feb 16-received in Senate

Feb 17-floor amendment (1) filed

Feb 18-to State & Local Government (S)

Feb 25-taken from State & Local Government (S); 1st reading; returned to State & Local Government (S)

Feb 28-taken from State & Local Government (S); 2nd reading; returned to State & Local Government (S)

Mar 2-reported favorably, to Rules with Committee Substitute ; floor amendment (2) filed to Committee Substitute

Mar 3-recommitted to State & Local Government (S); reported favorably, to Rules with Committee Substitute (2) as a Consent Bill; posted for passage in the Regular Orders of the Day for Thursday, March 3, 2011; passed over and retained in the Orders of the Day

Mar 4-taken from the Regular Orders of the Day; returned to State & Local Government (S); reported favorably, to Rules with Committee Substitute (3) ; posted for passage in the Regular Orders of the Day for Friday, March 4, 2011; 3rd reading; Committee Substitutes (1), (2) withdrawn; floor amendments (1) and (2) withdrawn ; passed 28-8 with Committee Substitute (3) ; received in House

[HB 433](#) – Representative [Tom McKee](#), Representative [Lonnie Napier](#), Representative [Rita Smart](#)

AN ACT relating to waste tires.

Create new section of Subtitle 50 of KRS Chapter 224 to establish a five-member waste tire working group in the Energy and Environment Cabinet; prescribe the duties of the Waste Tire Working Group; amend KRS 224.50-868 to require retailers of new passenger tires to distribute an information sheet on

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how to dispose of a waste tire to customers and require the cabinet to develop the information sheet in conjunction with the Waste Tire Working Group; amend KRS 224.50-874 to require the transporter or processor that contracts for out-of-state final disposal of the tires to return a receipt to the retailer showing who took final custody of the tires; require the retailer to contact the cabinet if a receipt has not been tendered by the transporter or processor within 30 days of receiving the tires.

#### [HB 433](#) - AMENDMENTS

[HCS](#) - Retain original provisions of HB 433; delete requirement for retailers to provide information sheet to customer; require the information on waste tire disposal be on cabinet website or available in print upon request; impose 25 percent cap on the cabinet's use of the waste tire fund for administrative purposes.

[HFA \(1, M. Denham\)](#) - Make grammatical corrections; clarify that the 25 percent cap is applied only to the cabinet's utilization of the overall waste tire fund for administrative costs and cannot be applied to particular programs under the fund.

Feb 10-introduced in House

Feb 14-to Natural Resources & Environment (H)

Feb 15-posted in committee

Feb 17-reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 18-2nd reading, to Rules

Feb 22-posted for passage in the Regular Orders of the Day for Wednesday, February 23, 2011; floor amendment (1) filed to Committee Substitute

Feb 23-3rd reading, passed 99-0 with Committee Substitute, floor amendment (1)

Feb 24-received in Senate

Feb 28-taken from Committee on Committees (S); 1st reading; returned to Committee on Committees (S); to State & Local Government (S)

Mar 1-taken from State & Local Government (S); 2nd reading; returned to State & Local Government (S)

Mar 2-reported favorably, to Rules as a Consent Bill

Mar 3-posted for passage in the Consent Orders of the Day for Thursday, March 3, 2011; 3rd reading, passed 37-0; received in House; enrolled, signed by each presiding officer; delivered to Governor

#### [SB 70](#) – Senator [Bob Leeper](#)

AN ACT relating to environmental protection.

Amend KRS 224.1-530 to require use of Regional Screening Level Table for US EPA Region 3 rather than Region 9 and the guidance in the Risk-Based Concentration Table User's Guide rather than the Region 9 Preliminary Remediation Goals.

Jan 7-introduced in Senate

Feb 1-taken from Committee on Committees (S); 1st reading; returned to Committee on Committees (S); to Natural Resources and Energy (S)

Feb 2-reported favorably, 2nd reading, to Rules

Feb 8-posted for passage in the Regular Orders of the Day for Tuesday, February 8, 2011; 3rd reading, passed 35-0

Feb 9-received in House

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Feb 14-to Natural Resources & Environment (H)  
 Feb 23-posting waived; posted in committee  
 Feb 24-reported favorably, 1st reading, to Consent Calendar  
 Feb 25-2nd reading, to Rules  
 Feb 28-posted for passage in the Consent Orders of the Day for Tuesday, March 1, 2011  
 Mar 1-3rd reading, passed 99-0  
 Mar 2-received in Senate  
 Mar 3-enrolled, signed by President of the Senate  
 Mar 4-enrolled, signed by Speaker of the House; delivered to Governor

[SB 120](#) – Senator [Brandon Smith](#)

AN ACT relating to environmental wastewater laboratories.

Create a new section of Subchapter 10 of KRS Chapter 244 to allow the Energy and Environment Cabinet to certify laboratories that submit environmental data relating to tests for water quality; require that all environmental samples collected be submitted to a certified laboratory; allow the cabinet to promulgate administrative regulations that establish standards for the operation of laboratories relating to wastewater pollution, set fees for certification, and evaluate the competency of the laboratories.

[SB 120](#) - AMENDMENTS

[SCS](#) - Retain original provisions of SB 120; expand tests to apply for all types of waste water pollution done by certified laboratories; require the cabinet to promulgate administrative regulations for certification and competency evaluations; invalidate samples submitted by uncertified laboratories one year after the effective date of the Act.

[HFA \(1\)](#), G. Stumbo) - Direct expedited action by PSC on certain applications concerning purchase power contracts.

[HFA \(2\)](#)/Title, G. Stumbo) - Make title amendment.

[HFA \(3\)](#), G. Stumbo) - Direct expedited action by PSC on certain applications concerning purchase power contracts.

Feb 8-introduced in Senate; to Natural Resources and Energy (S)  
 Feb 9-reported favorably, 1st reading, to Calendar with Committee Substitute  
 Feb 10-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Friday, February 11, 2011  
 Feb 11-3rd reading, passed 35-0-1 with Committee Substitute  
 Feb 14-received in House  
 Feb 15-to Natural Resources & Environment (H)  
 Feb 22-posted in committee  
 Feb 24-reported favorably, 1st reading, to Consent Calendar  
 Feb 25-2nd reading, to Rules  
 Feb 28-posted for passage in the Consent Orders of the Day for Tuesday, March 1, 2011; floor amendments (1) and (2-title) filed  
 Mar 1-taken from the Consent Orders of the Day, placed in the Regular Orders of the Day; floor amendment (3) filed  
 Mar 2-3rd reading, passed 94-2 with floor amendments (2-title) and (3); received in Senate

[HCR 37](#) – Representative [Adam Koenig](#), Representative [Addia Wuchner](#), Representative [Kevin Sinnette](#)

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Express support for federal legislation requiring the United States Environmental Protection Agency to consider affordability when implementing its combined sewer overflow control measures.

Jan 7-introduced in House  
 Feb 1-to Natural Resources & Environment (H)  
 Feb 7 – posted in committee  
 Feb 17-reported favorably, 1st reading, to Consent Calendar  
 Feb 18-2nd reading, to Rules  
 Feb 22-posted for passage in the Consent Orders of the Day for Wednesday, February 23, 2011  
 Feb 23-3rd reading, adopted 99-0  
 Feb 24-received in Senate  
 Feb 28-to Natural Resources and Energy (S)  
 Mar 2-reported favorably, 1st reading, to Consent Calendar  
 Mar 3-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Friday, March 4, 2011  
 Mar 4-3rd reading, adopted 36-1; received in House; enrolled, signed by each presiding officer; delivered to Governor

## **Building & Construction**

**SB 39** – Senator [Vernie McGaha](#)

AN ACT relating to state government contracts.

Amend KRS 14A.9-010 to require certain exempt foreign entities to obtain a certificate of authority from the Secretary of State in order to be awarded a state construction contract; amend KRS 45A.480 and 176.085 to require that certain persons exempt from having to obtain a certificate of authority under KRS 14A.9-010 must produce the certificate if awarded a state construction contract.

### SB 39 - AMENDMENTS

[HFA \(1](#), M. Cherry) - Retain original provisions of the bill; require the Secretary of State to promulgate administrative regulations outlining the procedures for a general partnership to obtain a certificate of authority necessary to be eligible for award of a state contract under KRS Chapter 45A or 176, and allow the administrative regulations to include appropriate filing fees.

Jan 4-introduced in Senate  
 Jan 6-to State & Local Government (S)  
 Feb 1-taken from State & Local Government (S); 1st reading; returned to State & Local Government (S)  
 Feb 2-reported favorably, 2nd reading, to Rules  
 Feb 8-posted for passage in the Regular Orders of the Day for Tuesday, February 8, 2011; 3rd reading, passed 36-0  
 Feb 9-received in House  
 Feb 14-to State Government (H)  
 Feb 22-posted in committee  
 Feb 24-reported favorably, 1st reading, to Consent Calendar  
 Feb 25-2nd reading, to Rules  
 Feb 28-posted for passage in the Consent Orders of the Day for Tuesday, March 1, 2011

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Mar 1-taken from the Consent Orders of the Day, placed in the Regular Orders of the Day  
Mar 2-floor amendment (1) filed  
Mar 3-3rd reading, passed 98-1; received in Senate; enrolled, signed by President of the Senate  
Mar 4-enrolled, signed by Speaker of the House; delivered to Governor

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