



**Kentucky Legislative Report
March 11, 2014 - Regular Session Update
Smith Management Group Government Solutions
Prepared by
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Scott's Thoughts

When I started this analysis in January, I pointed out that politics would probably trump policy in this year's General Assembly. Control of the House and Senate in this year's election would be crucial to both parties - neither wants to make a mistake that might cost them a seat. As we sit, the budget is the big item, as it should be, on everyone's mind. There are actually three budgets. There is the Governor's budget, the House has a budget that they are bringing to the floor this week and then the Senate will develop their vision of the budget. The House and Senate will bring their versions together and hopefully hammer out an agreement in what is called "Concurrence Days" at the end of the legislative session.

In the area that we cover - environment, safety and energy - not much has been moving. As a result this week we are removing from our report, legislation that has been filed but does not appear to have a chance to pass both houses in the time remaining for this session.

The last day for new House and Senate Bills to be filed was last week. Depending on how snow days are factored into the legislative calendar, the last day for legislation was scheduled for March 27. There were two concurrence days scheduled this year and veto days were scheduled to run from April 1 thru April 11 with the session scheduled to end April 15. Legislative schedulers can change some of this but the end of this session is about a month away.

There are still a few bills to watch: HB 31 (Eminent Domain) is aimed at the proposed Bluegrass Pipeline was posted for passage on March 6 and the full House could take action on it this week. What happens to it in the Senate will be interesting. HB 388 deals with the implementation of carbon dioxide standards for Kentucky and passed the House 99-0. Assuming the Bill passes the Senate, what will the Governor do? Will he veto it or allow it to become law? It certainly will have an impact on the Energy and Environment Cabinet and their dealings with EPA.

Another interesting Bill to keep an eye on is SB 63. This Bill addresses the Workers Compensation Special Fund. It seems that the Labor Cabinet has been dipping into this fund over the years to finance some of their operations. The special fund is liable for part of the income benefits awarded for occupational injuries and diseases resulting from incidents or last exposures occurring prior to Dec. 12, 1996, while the coal fund is liable for 50 percent of the income and retraining benefits awarded for coal workers' pneumoconiosis (black lung) claims arising from last exposures occurring after Dec. 12, 1996. There does not appear to be provisions in the original legislation for the Cabinet to use this money to balance their budget. This Bill passed the Senate 22-16 on March 6 with plenty of Labor Cabinet opposition. There will be quite a bit of drama attached to this legislation. Let's see how the House manages it.

The bill numbers found in this document are linked to the Kentucky Legislative Review Commission’s web page so you can review the legislation.

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 if they want to receive notice when these postings are updated.

QUESTIONS, COMMENTS, ADDITIONAL INFORMATION

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Administrative Regulation

[SB 1 - J. Bowen, R. Stivers II, J. Carpenter, D. Givens, S. Gregory, E. Harris, J. Higdon, P. Hornback, J. Schickel, D. Thayer, M. Wilson](#)

AN ACT proposing to amend Section 29 of the Constitution of Kentucky relating to administrative regulations.

Create a new section of the Constitution of Kentucky to permit the General Assembly by general law to prohibit the adoption of administrative regulations that it has found to be deficient.

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SB 1 - AMENDMENTS

SCS - Propose to amend Section 29 of the Constitution of Kentucky to permit the General Assembly or an agency or committee it creates to review, approve, or disapprove any administrative regulation of the executive branch during or between regular sessions of the General Assembly; submit to the voters for approval or disapproval; supply ballot language.

SCA (1/Title, J. Bowen) - Make title amendment.

Jan 7-introduced in Senate

Jan 13-to State & Local Government (S)

Jan 29-reported favorably, 1st reading, to Calendar with Committee Substitute, committee amendment (1-title)

Jan 30-2nd reading, to Rules

Feb 3-posted for passage in the Regular Orders of the Day for Wednesday, February 5, 2014

Feb 5-passed over and retained in the Orders of the Day

Feb 6-3rd reading, passed 24-14 with Committee Substitute, committee amendment (1-title) ; received in House

Feb 11-to Elections, Const. Amendments & Intergovernmental Affairs (H)

HB 229 - R. Damron, J. Gooch Jr., T. Mills, T. Thompson

AN ACT relating to state agency administrative requirements for regulated entities.

Amend KRS 13A.240 to require agencies to consider the impact of additional paperwork on regulated entities in order to comply with proposed administrative regulations.

Jan 17-introduced in House

Jan 21-to State Government (H)

Jan 28-posted in committee

Jan 30-reported favorably, 1st reading, to Consent Calendar

Jan 31-2nd reading, to Rules; taken from Rules; placed in the Consent Orders of the Day for Tuesday, February 4, 2014

Feb 4-3rd reading, passed 99-0

Feb 5-received in Senate

Feb 7-to State & Local Government (S)

Budget/General Fund

HB 235 - R. Rand, G. Stumbo, R. Adkins, L. Clark, S. Overly, T. Thompson

AN ACT relating to appropriations and revenue measures providing financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

HB 235 - AMENDMENTS

HFA (1, S. Lee) - Insert language directing the Office of the Attorney General to pay for outside counsel to appeal federal court ruling.

Jan 22-introduced in House

Jan 23-to Appropriations & Revenue (H)

Feb 28-posted in committee

Mar 4-taken from Appropriations & Revenue (H); 1st reading; returned to Appropriations & Revenue (H)

Mar 5-taken from Appropriations & Revenue (H); 2nd reading; returned to Appropriations &

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Revenue (H)

Mar 7-floor amendment (1) filed

[HB 237](#) - [R. Rand](#), [G. Stumbo](#), [R. Adkins](#), [L. Clark](#),
[S. Overly](#), [T. Thompson](#)

AN ACT relating to road projects and declaring an emergency.

Set out the fiscal year 2014-2016 Biennial Highway Construction Plan; EMERGENCY.

Jan 22-introduced in House

Jan 23-to Appropriations & Revenue (H)

Feb 28-posted in committee

Mar 4-taken from Appropriations & Revenue (H); 1st reading; returned to Appropriations & Revenue (H)

Mar 5-taken from Appropriations & Revenue (H); 2nd reading; returned to Appropriations & Revenue (H)

Energy

[SB 67](#) - [B. Leeper](#)

AN ACT relating to nuclear power.

Amend KRS 278.600 to define "storage" and amend a definition to require that nuclear power facilities have a plan for the storage of nuclear waste rather than a means of permanent disposal; amend KRS 278.610 to delete the requirement that the Public Service Commission certify the facility as having a means for disposal of high-level nuclear waste; change all references to disposal of nuclear waste to storage of nuclear waste; prohibit construction of low-level waste disposal sites in the Commonwealth except as provided in KRS 211.852; require the Public Service Commission to determine whether the construction or operation of a nuclear power facility, including

one constructed by an entity regulated under KRS Chapter 96, would create low-level nuclear waste or mixed wastes that would be required to be disposed of in low-level waste disposal sites in the Commonwealth; repeal KRS 278.605, relating to construction of nuclear power facilities.

Jan 10-introduced in Senate

Jan 15-to Natural Resources & Energy (S)

Jan 29-reported favorably, 1st reading, to Calendar

Jan 30-2nd reading, to Rules

Feb 3-posted for passage in the Regular Orders of the Day for Tuesday, February 4, 2014

Feb 4-3rd reading, passed 29-6-1

Feb 5-received in House

Feb 10-to Natural Resources & Environment (H)

[SB 153](#) - [E. Harris](#)

AN ACT relating to energy efficiency.

Amend KRS 224.46-330 to authorize use of the pollution prevention fund dollars to match federal funds for the purpose of providing energy efficiency technical assistance.

Feb 21-introduced in Senate

Feb 26-to Natural Resources & Energy (S)

Mar 5-reported favorably, 1st reading, to Consent Calendar

Mar 6-2nd reading, to Rules

Mar 10-posted for passage in the Consent Orders of the Day for Tuesday, March 11, 2014

[HB 31](#) - [J. Tilley](#), [D. Floyd](#), [J. Kay](#), [K. King](#), [M. Marzian](#), [T. Mills](#)

AN ACT relating to eminent domain.

Amend KRS 278.502 to condition the exercise of condemnation authority upon approval of

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the Public Service Commission, which may be given only after review of delineated statutory criteria.

HB 31 - AMENDMENTS

HCS - Replace original bill text with provisions to amend KRS 278.502 to exclude natural gas liquids from the definition of oil or gas or oil and gas products as used in that statute; include transitional provision making the bill's provision retroactive to cover any eminent domain action filed under KRS 278.502; EMERGENCY.

HFA (1, J. Fischer) - Replace bill's provisions with new text amending KRS 278.502 to require that the oil or gas pipeline condemnation be for a public use in lieu of the current requirement of public service.

HFA (2/Title, J. Tilley) - Make title amendment.

HFA (3, D. Floyd) - Replace original bill text with provisions to amend KRS 278.502 to apply only to utilities.

HFA (4, S. Miles) - Amend to remove the retroactivity and emergency provisions.

HFA (5, D. Floyd) - Replace original bill text with provisions to amend KRS 278.502 to apply only to utilities.

Oct 2-To: Interim Joint Committee on Energy Special Subcommittee

Jan 7-introduced in House; to Judiciary (H)

Feb 18-posting waived

Feb 26-reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 27-2nd reading, to Rules; floor amendment (1) filed to Committee Substitute

Mar 4-floor amendment (2-title) filed

Mar 6-posted for passage in the Regular Orders of the Day for Friday, March 7, 2014; floor amendments (3) and (4) filed to

Committee Substitute

Mar 10-floor amendment (5) filed

HB 170 - K. Flood, W. Stone

AN ACT relating to the utility gross receipts license tax for schools.

Amend KRS 160.613 to clarify that if a manufacturer, processor, miner, or refiner chooses to claim that a portion of the energy or energy producing fuels purchased by that entity is exempt from the utility gross receipts license tax, the entity claiming the exemption becomes responsible to report and pay the portion of the tax due directly to the Department of Revenue; amend KRS 160.6156 to specify who may request a refund or credit of any overpayment of the tax and require that an appeal of the denial of a requested refund to the Circuit Court shall be made within 30 days from the mailing date of the denial.

Jan 8-introduced in House

Jan 9-to Appropriations & Revenue (H)

Jan 31-posted in committee

Feb 4-reported favorably, 1st reading, to Consent Calendar

Feb 5-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Friday, February 7, 2014

Feb 7-taken from the Consent Orders of the Day, placed in the Regular Orders of the Day

Feb 11-3rd reading, passed 70-27

Feb 12-received in Senate

Feb 14-to Appropriations & Revenue (S)

HB 195/LM - M. Marzian, J. Jenkins, D. Keene, R. Smart, J. Wayne

AN ACT relating to energy.

Create new sections of KRS Chapters 278 and

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96 to require retail electric suppliers to use increasing amounts of renewable energy; require retail electric suppliers to take energy-efficiency measures and implement energy-efficiency programs that increase energy savings over a period of time; provide for alternative compliance plans for public utilities who fail to meet renewable energy or efficiency requirements; define renewable energy; specify reporting requirements to the Public Service Commission regarding progress in diversifying energy sources and energy savings; require the Public Service Commission to develop tariff guidelines for purchase of renewable power.

Jan 13-introduced in House
Jan 14-to Tourism Development & Energy (H)
Mar 4-posted in committee

[HB 291/FN](#) - [M. Denham](#)

AN ACT relating to construction of unregulated electric generation facilities and declaring an emergency.

Create a new section of KRS Chapter 278 to require an unregulated utility which is considering the siting of a generation facility to hold a public meeting in each county where the facility will be located if requested by a local government; specify how notice of the meeting shall be given; require notification of state government entities; provide penalty for violations; create a new section of KRS Chapter 65 to allow a local government to require a code of conduct between it and utility; allow Public Service Commission to create a model code; direct Public Service Commission to study effects of wind farms; EMERGENCY.

[HB 291](#) - AMENDMENTS

[HCS/FN](#) - Delete existing language; amend definition of "Merchant electric generating facility" in KRS 278.700 to use aggregate output of all structures and facilities; amend KRS 278.704 to include all generation facilities in setback requirements and add requirement for public meeting to inform and answer questions about a proposed facility construction project to be held upon request of local government or PSC; specify notice requirements; require that state agencies be notified; apply to any project currently acquiring property rights; amend KRS 278.706 to require additional public meeting prior to filing application with the Siting Board; amend KRS 278.708 to add land use changes to site assessment report; amend KRS 278.710 to extend time in which siting board shall act on merchant plant application from 90 to 120 days and, if a hearing is requested, from 120 to 180 days; amend KRS 278.714 to extend time in which siting board shall act on transmission line or CO2 pipeline application from 90 to 120 days and, if a hearing is requested, from 120 to 180 days; create new section of KRS Chapter 278 to specify that home rule sections of the KRS are not diminished by this act; create new section of KRS Chapter 96 to require city-owned utilities to hold public meeting to inform and answer questions about a proposed wind generation facility construction project to be held upon request of local government; specify notice requirements; applicable to any project currently acquiring property rights; declare an EMERGENCY.

[HFA \(1\)](#), M. Denham) - Amend KRS 278.710, referring to setback requirements, to conform.

[HFA \(2\)](#), M. Denham) - Amend KRS 278.704, concerning notice of merchant generation project plans, to include notice to Attorney General; amend KRS 278.710, referring to

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setback requirements, to conform with changes to 278.704.

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 Jan 30-to Tourism Development & Energy (H)
 Feb 11-posted in committee
 Feb 13-reported favorably, 1st reading, to Calendar with Committee Substitute
 Feb 14-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Tuesday, February 18, 2014
 Feb 18-floor amendment (1) filed to Committee Substitute
 Feb 19-floor amendment (2) filed to Committee Substitute
 Feb 20-3rd reading, passed 98-0 with Committee Substitute, floor amendment (2)
 Feb 21-received in Senate
 Feb 26-to Natural Resources & Energy (S)

[HB 388/LM](#) - [J. Gooch Jr.](#), [T. Couch](#), [M. Dossett](#), [C. Embry Jr.](#), [S. Miles](#), [R. Quarles](#), [D. St. Onge](#), [E. Steele](#), [R. Webber](#), [J. York](#)

AN ACT relating to best system emission reduction for existing electric generating units.

Create new sections of KRS Chapter 224 to establish criteria by which the Energy and Environment Cabinet can establish performance standards for the regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units; establish different criteria for coal-fired electric generating units and natural gas-fired electric generating units; allow performance standards to be adjusted on a case-by-case basis; require that any state plan to regulate carbon dioxide emissions be issued under Section 111(d) of the federal Clean Air Act; direct the cabinet to promulgate administrative regulations to establish standards in a state plan; prohibit development

or proposing of a state plan to the United States Environmental Protection Agency unless the plan is consistent with Sections 1 to 7 of this Act and is prepared in consultation with the Kentucky PSC; declare that any plan or performance standard has no legal effect if the United States Environmental Protection Agency does not issue federal rules or guidelines for regulating carbon dioxide emissions from existing electric generating units or if the rules are withdrawn or invalidated by a court of competent jurisdiction.

Feb 13-introduced in House
 Feb 18-to Natural Resources & Environment (H); posted in committee
 Feb 20-reported favorably, 1st reading, to Consent Calendar
 Feb 21-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Wednesday, February 26, 2014
 Feb 26-3rd reading, passed 99-0
 Feb 27-received in Senate
 Mar 5-to Natural Resources & Energy (S)

[HB 466](#) - [K. Hall](#)

AN ACT relating to the development of the market for natural gas as an alternative transportation fuel.

Amend KRS 154.20-410 to direct the deposit of the petroleum environmental assurance fees, also referred to as underground storage tank fees, imposed on liquefied and compressed natural gas used as alternative transportation fuel into the Kentucky alternative fuel and renewable energy fund; amend KRS 154.20-415 to specifically provide that the fund may be used to provide funding to Kentucky-based companies that undertake activities to develop and expand the market for using liquefied and

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compressed natural gas as alternative transportation fuel in Kentucky including development of fueling station infrastructure; amend KRS 224.60-140 and 224.60-145 to conform.

Feb 26-introduced in House
 Feb 27-to Tourism Development & Energy (H)
 Mar 4-posted in committee
 Mar 6-reported favorably, 1st reading, to Calendar
 Mar 7-2nd reading, to Rules; taken from Rules; placed in the Orders of the Day

[HB 486 - K. Hall](#)

AN ACT relating to tax credits for purchasers of ENERGY STAR manufactured homes.

Amend KRS 141.437 to establish an individual income tax credit for taxable years beginning after December 31, 2016 but before January 1, 2021, for taxpayers who purchase ENERGY STAR manufactured homes; amend KRS 141.0205 to provide the order in which the credit may be taken.

Feb 27-introduced in House
 Mar 4-to Appropriations & Revenue (H)

[HB 489 - S. Riggs](#)

AN ACT relating to energy.
 Amend KRS 45A.345 to expand definition of "qualified provider" and add definitions of other terms; amend KRS 45A.352 to limit bidders for guaranteed energy savings performance contracts to qualified providers; add total outstanding obligations under other such contracts to evaluation criteria; add a measurement and verification protocol to those acceptable; set penalties for failure to provide

annual reconciliation statement; local agency may waive measurement and verification for lighting projects after two years; amend KRS 45A.353 to direct that exempted debt service obligations shall be added back into agency debt limits in the event of a guarantee termination; new section of KRS 45A created to set requirements for qualified provider status, renewal requirements and regulatory authority; amend KRS 103.200, 210, 220, 240, and 286, pertaining to city and county private activity revenue bonds, and create a new section of KRS Chapter 103 to reserve 10% of the state private activity bond cap for small or medium manufacturing facility energy efficiency bond projects during the first half of the bond cap allocation period after which unused cap shall revert to the single allocation pool; set requirements for issuance of manufacturing energy efficiency bonds; create new section of KRS 147A to allow DLG to establish an information clearinghouse to educate on issuance and uses of industrial revenue bonds; amend KRS 154.34-010, 070, 080, and 110 of the Kentucky Reinvestment Act to create a separate tax incentive tier for industries that invest a minimum of \$300,000, applicable only to energy efficiency investments for small and medium sized industries previously ineligible.

Feb 27-introduced in House
 Mar 4-to Tourism Development & Energy (H)

Environment/Natural Resources

[HB 147/FN - M. Marzian](#)

AN ACT relating to child-care articles containing bisphenol-A.
 Create a new section of KRS Chapter 217 to define "baby food," "infant formula," and

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"reusable food or beverage container"; prohibit the manufacture, sale, or distribution of any reusable food or beverage container containing bisphenol-A; prohibit the manufacture, sale, or distribution of any infant formula or baby food stored in container containing bisphenol-A; require manufacturers to use least toxic alternatives; prohibit replacement of bisphenol-A with carcinogens or reproductive toxicants; amend KRS 217.990 to assess a fine of not more than \$10,000 for violations; EFFECTIVE JANUARY 1, 2014.

[HB 147](#) - AMENDMENTS

[HFA \(1\)](#), J. Gooch Jr.) - Delete all sections of the bill and prohibit banning a product or component of a product used as a food, beverage, or container unless the product or component is banned by the United States Food and Drug Administration for the same purpose.

[HFA \(2\)](#)/Title, J. Gooch Jr.) - Make title amendment.

Jan 7-introduced in House
Jan 8-to Health & Welfare (H)
Jan 21-posted in committee
Feb 13-reported favorably, 1st reading, to Calendar
Feb 14-2nd reading, to Rules
Feb 18-floor amendments (1) and (2)-title filed
Feb 21-posted for passage in the Regular Orders of the Day for Monday, February 24, 2014

[SB 31/LM](#) - [J. Schickel](#), [T. Buford](#), [R. Webb](#)

AN ACT relating to the prohibition against implementing the United Nations Agenda 21.
Create a new section of Subchapter 1 of KRS

Chapter 224 to prohibit a state agency or political subdivision of the state from implementing any part of the United Nations Agenda 21 that is contrary to the United States or Kentucky Constitution, or being a member of or expending any public funds on a group or organization that will implement any part of the United Nations Agenda 21.

Jan 7-introduced in Senate
Jan 13-to State & Local Government (S)
Feb 5-reported favorably, 1st reading, to Calendar
Feb 6-2nd reading, to Rules
Feb 10-posted for passage in the Regular Orders of the Day for Tuesday, February 11, 2014
Feb 11-3rd reading, passed 32-5
Feb 12-received in House
Feb 13-to State Government (H)

[SB 228](#)- [E. Harris](#)

AN ACT relating to underground facility protection.
Amend KRS 367.4917 to include a fine for violating any provision of the Underground Facility Damage Prevention Act of 1994, which results in damage to a facility containing any flammable, toxic, corrosive, or hazardous materials or the release of the materials.

Mar 6-introduced in Senate

[HB 491](#) - [J. Kay](#), [B. Yonts](#)

AN ACT relating to rare plant protection.
Create new sections of KRS Chapter 146 to establish a database of endangered or threatened plant species and prohibit any person from engaging in an activity which

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would threaten or harm the species; require the State Nature Preserves Commission to promulgate administrative regulations related to protecting endangered or threatened plant species; exempt ginseng and give permissive authority to exempt commercially propagated species from regulation by State Nature Preserves Commission; create a registry for people that sell endangered or threatened species; require those who sell endangered or threatened plant species to keep records for 2 years; create a certification for those propagating nursery stock of endangered or threatened plant species; prohibit state agencies from undertaking actions that would harm endangered or threatened plant species; exempt information concerning the location of endangered or threatened plant species from Open Records Act; amend KRS 146.605 to add definitions; amend KRS 146.990 to add a civil penalty of up to \$500 for violation.

Feb 27-introduced in House
Mar 4-to Natural Resources & Environment (H)
Mar 6-reassigned to Agriculture & Small Business (H)

[SB 170](#) - [D. Parrett](#), [P. Hornback](#)

AN ACT relating to noxious weeds and invasive plants.

Amend KRS 176.051 to revise the list of noxious weeds and invasive plants to be eradicated from the state rights-of-way; provide that the Department of Highways shall promote awareness of the eradication program through the use of electronic media and the Cooperative Extension Service; provide that the department may by administrative regulation add noxious weeds and invasive plants to or delete them

from the list; establish factors the department may consider in making a determination regarding the addition or deletion of a plant; provide that the department shall review the regulation at least once every four years.

Feb 27-introduced in Senate
Mar 5-to Agriculture (S)

Sustainability

[HB 481/CI](#) - [De. Butler](#)

AN ACT relating to the recycling of motor vehicles.

Create a new section of KRS Chapter 186A to permit an automotive recycling dealer or secondary metals recycling dealer to purchase a motor vehicle, ten years or older, without a title; amend KRS 186A.990 to establish penalties; exempt the sale of a motor vehicle under this Act from the provisions of KRS 433.890.

Feb 27-introduced in House
Mar 4-to Transportation (H)

Boards and Commissions

[SB 74](#) - [J. Higdon](#), [T. Buford](#)

AN ACT relating to disaster and emergency response.

Amend KRS 39A.280 to provide civil liability protections to licensed professional engineers and licensed architects who voluntarily provide professional services at the request of officials during or after a declared emergency, disaster, or catastrophe; establish limitations to liability protection; require the Division of Emergency

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Management to promulgate administrative regulations.

[SB 74](#) - AMENDMENTS

[SCS](#) - Amend KRS 39A.280 to provide civil liability protections to licensed professional engineers and licensed architects who voluntarily provide professional services at the request of officials during or after a declared emergency, disaster, or catastrophe; establish limitations to liability protection.

[SFA \(1, J. Higdon\)](#) - Amend KRS 39A.280 to authorize liability protection for licensed professional engineers and licensed architects and to specify that this liability protection occurs if the services rendered arise out of a declared emergency and if the professional rendering the services acts as an ordinary reasonably prudent member of the profession.

Jan 13-introduced in Senate

Jan 15-to Veterans, Military Affairs, & Public Protection (S)

Jan 23-reported favorably, 1st reading, to Calendar with Committee Substitute

Jan 24-2nd reading, to Rules

Jan 27-posted for passage in the Regular Orders of the Day for Tuesday, January 28, 2014

Jan 28-passed over and retained in the Orders of the Day

Jan 29-passed over and retained in the Orders of the Day; floor amendment (1) filed to Committee Substitute

Jan 30-3rd reading, passed 37-0 with Committee Substitute, floor amendment (1)

Jan 31-received in House

Feb 3-to Veterans, Military Affairs, & Public Safety (H)

[HB 381](#) - [D. Graham](#), [R. Damron](#)

AN ACT relating to the Kentucky Infrastructure Authority.

Amend KRS 224A.030 to decrease the board membership of Kentucky Infrastructure Authority from eleven to ten members and to decrease the number of members the Governor appoints from six to five by deleting the representative of a for-profit water company.

[HB 381](#) - AMENDMENTS

[HCS](#) - Amend KRS 224A.030 replacing the reference to a Kentucky Infrastructure Authority board representative from for profit private water companies with a member selected from a list of three nominees submitted by the Kentucky Farm Bureau Federation.

Feb 12-introduced in House

Feb 13-to Local Government (H)

Feb 18-posted in committee

Mar 5-reported favorably, 1st reading, to Calendar with Committee Substitute

Mar 6-2nd reading, to Rules

Other

[HB 407](#) - [L. Combs](#), [S. Overly](#), [R. Adkins](#), [L. Clark](#), [H. Collins](#), [W. Coursey](#), [R. Damron](#), [J. DeCesare](#), [J. Gooch Jr.](#), [J. Greer](#), [G. Stumbo](#), [T. Thompson](#), [K. Upchurch](#), [S. Westrom](#)

AN ACT relating to financing of public-private partnerships.

Amend KRS 45A.030 and 45A.075 and create a new section of KRS Chapter 45A to define "public-private partnership" and "private partner"; allow the use of a public-private partnership as an alternative method to finance a project; provide for evaluation and oversight,

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and ratification by the General Assembly; amend KRS 65.025 and create a new section of KRS Chapter 65 to allow the use of a public-private partnership by local governments; provide for evaluation and oversight; provide for a model system for the use of a public-private partnership to be developed; require use of the model and approval by the Finance and Administration Cabinet before a local government can utilize a public-private partnership; create a new section of KRS Chapter 175B and amend KRS 175B.005, 175B.010, 175B.020, 175B.030, 175B.035, 175B.040 and 175B.095 to define "public-private partnership"; and "private partner"; allow the use of a public-private partnership by an authority to provide an alternative structure for developing and financing a major transportation project.

[HB 407](#) - AMENDMENTS

[HCS](#) - Retain original provisions; clarify several provisions relating to state-level public-private partnerships; clarify process for local governments to utilize public-private partnerships; adjust the definition of a transportation project to align with current federal usage; clarify several issues relating to the use of a public-private partnership for transportation projects; affirmatively require General Assembly approval for a public-private partnership to be used with a project connecting Kentucky and Ohio.

[HFA \(1, S. Santoro\)](#) - Require ratification by the General Assembly for use of a public-private partnership within a bi-state authority that includes the state of Ohio.

[HFA \(2, A. Simpson\)](#) - Prohibit the use of tolls on an interstate project than connects Kentucky to Ohio.

[HFA \(3, A. Simpson\)](#) - Clarify the entities that may develop a project.

[HFA \(4, A. Simpson\)](#) - Prohibit tolls on any interstate project that connects Kentucky to Ohio.

[HFA \(5, A. Simpson\)](#) - Clarify that projects can only be developed by the permitted entities.

[HFA \(6, J. Fischer\)](#) - Remove requirements to comply with prevailing wage law.

[HFA \(7, J. Fischer\)](#) - Remove requirement to comply with prevailing wage laws.

Feb 19-introduced in House
Feb 20-to Appropriations & Revenue (H);
floor amendment (1) filed

Feb 28-posted in committee
Mar 6-reported favorably, 1st reading, to
Calendar with Committee Substitute ; floor
amendments (2) and (3) filed to Committee
Substitute, floor amendments (4) and (5) filed

Mar 7-2nd reading, to Rules; floor
amendment (7) filed to Committee Substitute,
floor amendment (6) filed

[SB 63](#) - [C. McDaniel](#), [J. Schickel](#), [C. Girdler](#), [S. Gregory](#)

AN ACT relating to the workers'
compensation special fund and Funding
Commission.

Amend KRS 342.120 require the Division of
Workers' Compensation Funds to engage in an
aggressive attempt to settle special fund claims;
amend KRS 342.122 and eliminate all funding
provided to the Labor Cabinet from special fund
assessments.

[SB 63](#) - AMENDMENTS

[SCS](#) - Amend KRS 342.120 and direct that the
Division of Workers' Compensation Funds

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engage in an aggressive attempt to settle special fund claims; set forth provisions to provide financial or legal advice for special fund claimants and provide for a fee; amend KRS 342.122 and eliminate all funding provided to the Labor Cabinet from special fund assessments.

[SFA \(1\)](#), C. McDaniel) - Replace Subsection (4) of Section 1 (KRS 342.120) with reworded language; replace subsection (1)(a) of Section 2 (KRS 342.122) to include the Division of Workers' Compensation Funds and Occupational safety and health Review Commission in receiving Funding Commission assessments funds; require a cap on the funding provided; add amendments to KRS 342.1223 and 342.1224.

[SFA \(2\)](#), C. McDaniel) - Make minor amendments to Section 1(4); delete added language in Section 2(1)(a) and reinsert current statutory language, only striking out of date language; amend KRS 342.1223 by requiring certain items to be reported to interim joint committees; amend KRS 342.1224 to add two members to the board of directors.

Jan 9-introduced in Senate

Jan 15-to Licensing, Occupations, & Administrative Regulations (S)

Feb 11-reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 12-2nd reading, to Rules

Feb 28-floor amendment (1) filed to Committee Substitute

Mar 5-floor amendment (2) filed to Committee Substitute

Mar 6-posted for passage in the Regular Orders of the Day for Thursday, March 6, 2014; 3rd reading; floor amendment (1) withdrawn ; passed 22-16 with Committee Substitute, floor amendment (2)

Mar 7-received in House

Mar 10-to Labor & Industry (H)

[SB 129](#) - [J. Carpenter](#)

AN ACT relating to reorganization.

Amend KRS 12.020 to confirm Executive Order 2013-893 and abolish the Environmental Protection Legal Division within the Office of the General Counsel.

Feb 7-introduced in Senate

Feb 12-to Natural Resources & Energy (S)

Feb 19-reported favorably, 1st reading, to Consent Calendar

Feb 20-2nd reading, to Rules

Feb 25-posted for passage in the Regular Orders of the Day for Wednesday, February 26, 2014

Feb 26-3rd reading, passed 36-0

Feb 27-received in House

Mar 4-to State Government (H)

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