



**Kentucky Legislative Report
March 1, 2013 - Regular Session Update
Smith Management Group Government Solutions
Prepared by
Scott R. Smith and Kori Andrews**

Scott's Thoughts

According to my calendar, there are four more work days and two concurrence days left until the final two days of the session (March 25 and 26). This will be a fast and furious week and many ideas just won't have time to be considered. The pension reform issue may be dead in this session unless legislative leadership breathes life back into the issue. This will probably be a special session issue if the two sides can come together enough to spend the extra money to get it done. Many issues are standing in the respective legislative committees after passing through the opposite house by substantial margins. HB 27 relating to city operated natural gas distribution systems passed the house 96-1 and has been received in the Senate. The aluminum smelter bills (HG 211 and SB 71) are still working their way through the respective houses. These bills have picked up some opposition last week and will be interesting to see if the issue can get approved. HB 212 Clean Transportation Fuel bill passed the House and has been assigned to the Senate Natural Resources and Energy Committee. HB 370 relates to the sale of industrial revenue bonds for energy efficiency has passed the House and been received by the Senate. Other legislation pending approval in the opposite chamber include: HCR 15 Energy Efficiency Action Plan; HJR 41 Energy Efficiency Manufactured Housing; HB 126 Petroleum Tank Environmental Assurance Fund; HB 378 TMDL & Impaired Waters bill as well as several others. See report below.

This will be the week that was. Stay tuned.

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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Budget/Pension Reform

[SB 2/LM/AA - D. Thayer, J. Bowen, J. Higdon, P. Hornback, C. McDaniel, M. Wilson](#)

AN ACT relating to retirement.

Create a new section of KRS 6.500 to 6.577 to require public employers to pay the actuarial costs for increases in final compensation in the Legislators' Retirement Plan greater than 10% that are attributable to the salaries paid by public employers that affect benefits in the Legislators' Retirement Plan; authorize the Legislators' Retirement Plan to determine the cost to the employer and to establish administrative regulations to administer the provisions of this section; create a new section of KRS 16.505 to 16.652 to establish the hybrid cash balance plan for members of the State Police Retirement System, hazardous members of the Kentucky Employees Retirement System, and hazardous members of the County Employees Retirement System who begin participating in these systems on or after July 1, 2013; provide that the hybrid cash balance plan shall provide a benefit for these members based upon the members' accumulated account balance which shall include member contributions, an employer pay credit of 7.5% of salary, and interest credits on the member contributions and employer pay credits; provide that the annual interest credits in the hybrid cash balance plan for actively contributing members shall be 4% plus 75% of the 5-year average investment returns of the systems net of fees and expenses above 4%; provide an interest credit of 4% for members who are not contributing to the plan but who retain an account balance; provide that upon termination of employment members in the hybrid cash balance plan with less than 5 years of service shall be eligible to take a refund of their accumulated contributions and members in the hybrid cash balance plan with 5 or more years of service shall be eligible to take a refund of their accumulated account balance; provide that members participating in the hybrid cash balance plan shall be eligible to retire at age 60 with at least 5 years of service or at any age with 25 or more years of service; allow a member in the hybrid cash balance plan, upon reaching retirement eligibility, to take a refund of his or her accumulated account balance, to have his or her accumulated account balance annuitized based upon the assumptions set by the system at the member's retirement date, or to take an actuarially reduced annuitized payment under one of the other payment options currently available to all members of the retirement systems; create a new section of KRS 61.510 to 61.705 to establish the hybrid cash balance plan for non-hazardous members of the Kentucky Employees Retirement System and the County Employees Retirement

System who begin participating in these systems on or after July 1, 2013; provide that the hybrid cash balance plan shall provide a benefit for these members based upon the members' accumulated account balance which shall include member contributions, an employer pay credit of 4% of salary, and interest credits on the member contributions and employer pay credits; provide that the annual interest credits in the hybrid cash balance plan for actively contributing members shall be 4% plus 75% of the 5-year average investment returns of the systems net of fees and expenses above 4%; provide an interest credit of 4% for members who are not contributing to the plan but who retain an account balance; provide that upon termination of employment members in the hybrid cash balance plan with less than 5 years of service shall be eligible to take a refund of his or her accumulated contributions and members in the hybrid cash balance plan with 5 or more years of service shall be eligible to take a refund of his or her accumulated account balance; provide that members participating in the hybrid cash balance plan shall be eligible to retire at age 65 with at least 5 years of service or if they have a years-of-age and service total of 87 years, with a minimum age of 57; allow a member in the hybrid cash balance plan, upon reaching retirement eligibility, to take a refund of their accumulated account balance, to have their accumulated account balance annuitized based upon the assumptions set by the system at the member's retirement date, or to take an actuarially reduced annuitized payment under one of the other payment options current available to all members of the retirement systems; create a new section of KRS 61.510 to 61.705 to require employers to pay the actuarial cost of increases in compensation greater than 10% earned by the employee during the last 5 fiscal years of employment for employees retiring on or after July 1, 2013, and to allow the system to determine the cost to the employer; create a new section of KRS 61.510 to 61.705 to require the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System, including the hybrid cash balance plans administered within these systems, to comply with federal law benefit maximums governing pension plans and to establish procedures for benefit estimations and adjustments to those benefits upon actual retirement based upon final pay information; amend KRS 6.505 and 21.360 to close the Legislators' Retirement Plan and the Judicial Retirement Plan to new participants effective July 1, 2013; amend KRS 6.521, 21.450, and 61.691 to end the cost-of-living adjustments for members of the Legislators' Retirement Plan, the Judicial Retirement Plan, the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System effective July 1, 2013, and to recognize the suspension of the COLAs in place in the biennial budget; provide that the General Assembly may provide future cost-of-living adjustments if the COLAs are

prefunded at the time of enactment; amend KRS 16.197 to require the Trooper R class program to abide by the increased break in employment requirements required by this Act; amend KRS 16.505, 61.510, and 78.510 to define "accumulated employer credit" and "accumulated account balance"; amend KRS 16.555, 16.543, and 78.630 to change the name of the member contribution account in KERS, CERS, and SPRS to the member account; amend 16.560, 61.575, and 78.640 to conform the member account language in KERS, CERS, and SPRS to conform to the new hybrid cash balance plan and to make technical changes; amend KRS 16.565, 61.580, and 78.650 to require the employer pay credits and interest on those credits in the hybrid cash balance plan to be paid from the retirement allowance accounts of KERS, CERS, and SPRS; amend KRS 16.576, 16.577, and 61.559 to provide that the retirement benefit calculations and retirement eligibility provisions under these sections shall not be applicable to members participating in the hybrid cash balance plan on or after July 1, 2013; amend KRS 16.578 and 61.640, regarding death before retirement benefits, to conform to the new hybrid cash balance plan for new members of KERS, CERS, and SPRS; amend KRS 16.582 to provide that new hazardous members of KERS, CERS, and SPRS participating in the hybrid cash balance plan shall receive a disability benefit equal to the higher of the member's retirement allowance calculated under the hybrid cash balance plan or 25% of the member's final rate of pay; amend KRS 16.652, 61.692, and 78.852 to limit the inviolable contract for new members who begin participating in the system on or after July 1, 2013, to the benefits accrued and to define benefits accrued for new members as the member's accumulated account balance; clarify that the General Assembly may continue to have the authority to amend benefits for members participating prior to July 1, 2013, for those benefits the General Assembly had the authority to amend prior to July 1, 2013; amend KRS 61.545, 61.552, 61.555, and 78.540 to remove the purchase of service credit provisions for members who begin participating in KERS, CERS, and SPRS in the hybrid cash balance plan on or after July 1, 2013, with the exception of omitted service, recontributions of refunds, and military service if called to active duty while working; amend KRS 61.546 and 78.616 to remove the additional service credit awarded for accumulated sick leave upon retirement for members who begin participating in KERS, CERS, and SPRS in the hybrid cash balance plan on or after July 1, 2013; amend KRS 61.565 to eliminate the current policy goal, established by HB 1 in 2008, to phase-in to the full actuarially required contribution rates for KERS and SPRS over time and to establish a goal to fully fund the actuarially required contribution for these funds effective with FY 2014-2015; reset the amortization period for the payment of the unfunded liability for KERS, CERS, and SPRS

to a new 30-year period to make the resetting of the amortization period contingent upon payment of the full actuarially required contribution; amend KRS 61.592 to remove the ability to convert nonhazardous service to hazardous duty service for members participating in the hybrid cash balance plan on or after July 1, 2013, and to make technical changes; amend KRS 61.595 to provide that the retirement benefit calculations and retirement eligibility provisions under this section shall not be applicable to KERS, CERS, and SPRS members participating in the hybrid cash balance plan on or after July 1, 2013, and to delete language which is re-established in the Act; amend KRS 61.605 to provide that new non-hazardous members of KERS and CERS participating in the hybrid cash balance plan shall receive a disability benefit equal to the higher of the member's retirement allowance calculated under the hybrid cash balance plan or 20% of the member's final rate of pay; amend KRS 61.615 to make changes to disability provisions governing discontinuance of benefits and the ability of the recipient to elect "early retirement" since early retirement provisions are no longer applicable to new members participating in the hybrid cash balance plan on or after July 1, 2013; amend KRS 61.625 to make technical and conforming changes and to clarify that a member convicted of a felony related to his or her employment shall still only receive a refund of his or her accumulated contributions; amend KRS 61.635 to eliminate the actuarial equivalent refund option for members participating in the hybrid cash balance plan on or after July 1, 2013, and to remove a retirement allowance payment option specific to legislators; Amend KRS 61.637 to provide that KERS, CERS, and SPRS retirees who are reemployed on or after July 1, 2013, will be required to observe a 2-year break in employment in any position with any employer participating in KERS, CERS, and SPRS, except that members who retire from a hazardous duty position and return to work in a full-time hazardous duty shall be required to observe a 1-year break in employment; require employers to pay employer contributions and health reimbursements on full-time employees who are reemployed on or after July 1, 2013; amend KRS 61.645 to change the KRS board of trustees composition by adding 3 new trustees, including one trustee appointed by the Governor from a list of three individuals recommended by the Kentucky League of Cities, one trustee appointed by the Governor from a list of three individuals recommended by the Kentucky Association of Counties, and one trustee appointed by the Governor from a list of three individuals recommended by the Kentucky School Board Association; remove the trustee appointed by the Governor who must be knowledgeable about the impact of pensions on local governments; require that the two trustees appointed by the Governor with "investment experience" shall not be

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employed by or retired from an agency participating in KERS, CERS, or SPRS; require the systems to post on their website and make available upon request information regarding the systems' financial and actuarial condition that is easily understood by the members, retired members, and the public; amend KRS 78.530 to remove the alternate participation plan, which allows the agency purchases of past service for the member, for new agencies who join CERS; amend KRS 16.165, KRS 16.601, 16.645, 18A.205 61.621, 61.535, 61.690, and 78.45 to conform; provide noncodified language to affirm that the COLA for July 1, 2012, and July 1, 2013, for LRP, JRP, KERS, CERS, and SPRS that was suspended by the biennial branch budgets will continue to be suspended notwithstanding the provisions of this Act; provide noncodified language requiring that the KRS trustee appointed by the Governor based upon his or her knowledge of the impact of pensions on local governments shall be replaced by the person appointed by the Governor from a list of 3 individuals submitted by the Kentucky League of Cities as provided by this Act; EFFECTIVE July 1, 2013.

SB 2 - AMENDMENTS

SFA (1, D. Thayer) - Retain original provisions of the bill; make technical correction.

HCA (1/Title, B. Yonts) - Make title amendment.

HFA (1, J. Hoover) - Amend to delete the provisions of SB 2/HCS1 and replace with language that will create a new section of KRS 6.500 to 6.577 to require public employers to pay the actuarial costs for increases in final compensation in the Legislators' Retirement Plan greater than 10% that are attributable to the salaries paid by public employers that affect benefits in the Legislators' Retirement Plan; authorize the Legislators' Retirement Plan to determine the cost to the employer and to establish administrative regulations to administer the provisions of this section; create a new section of KRS 16.505 to 16.652 to establish the hybrid cash balance plan for members of the State Police Retirement System, hazardous members of the Kentucky Employees Retirement System, and hazardous members of the County Employees Retirement System who begin participating in these systems on or after July 1, 2013; require that the hybrid cash balance plan provide a benefit for these members based upon the members' accumulated account balance which includes member contributions, an employer pay credit of 7.5% of salary, and interest credits on the member contributions and employer pay credits; require the annual interest credits in the hybrid cash balance plan for actively contributing members to be 4% plus 75% of the 5-year average

investment returns of the systems net of fees and expenses above 4%; provide an interest credit of 4% for members who are not contributing to the plan but who retain an account balance; require that, upon termination of employment, members in the hybrid cash balance plan with less than 5 years of service are eligible to take a refund of their accumulated contributions and members in the hybrid cash balance plan with 5 or more years of service are eligible to take a refund of their accumulated account balance; require that members participating in the hybrid cash balance plan are eligible to retire at age 60 with at least 5 years of service or at any age with 25 or more years of service; allow a member in the hybrid cash balance plan, upon reaching retirement eligibility, to take a refund of his or her accumulated account balance, to have his or her accumulated account balance annuitized based upon the assumptions set by the system at the member's retirement date, or to take an actuarially reduced annuitized payment under one of the other payment options currently available to all members of the retirement systems; create a new section of KRS 61.510 to 61.705 to establish the hybrid cash balance plan for non-hazardous members of the Kentucky Employees Retirement System and the County Employees Retirement System who begin participating in these systems on or after July 1, 2013; require that the hybrid cash balance plan to provide a benefit for these members based upon the members' accumulated account balance which includes member contributions, an employer pay credit of 4% of salary, and interest credits on the member contributions and employer pay credits; require that the annual interest credits in the hybrid cash balance plan for actively contributing members to be 4% plus 75% of the 5-year average investment returns of the systems net of fees and expenses above 4%; provide an interest credit of 4% for members who are not contributing to the plan but who retain an account balance; require that upon termination of employment, members in the hybrid cash balance plan with less than 5 years of service are eligible to take a refund of his or her accumulated contributions and members in the hybrid cash balance plan with 5 or more years of service are eligible to take a refund of his or her accumulated account balance; require that members participating in the hybrid cash balance plan are eligible to retire at age 65 with at least 5 years of service or if they have a years-of-age and service total of 87 years, with a minimum age of 57; allow a member in the hybrid cash balance plan, upon reaching retirement eligibility, to take a refund of their accumulated account balance, to have their accumulated account balance annuitized based upon the assumptions set by the system at the member's retirement date, or to take an actuarially reduced annuitized payment under one of the other payment options current available to all members of the retirement

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systems; create a new section of KRS 61.510 to 61.705 to require employers to pay the actuarial cost of increases in compensation greater than 10% earned by the employee during the last 5 fiscal years of employment for employees retiring on or after July 1, 2013, and to allow the system to determine the cost to the employer; create a new section of KRS 61.510 to 61.705 to require the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System, including the hybrid cash balance plans administered within these systems, to comply with federal law benefit maximums governing pension plans and to establish procedures for benefit estimations and adjustments to those benefits upon actual retirement based upon final pay information; amend KRS 6.505 and 21.360 to close the Legislators' Retirement Plan and the Judicial Retirement Plan to new participants effective July 1, 2013; amend KRS 6.521, 21.450, and 61.691 to end the cost-of-living adjustments for members of the Legislators' Retirement Plan, the Judicial Retirement Plan, the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System effective July 1, 2013, and to recognize the suspension of the COLAs in place in the biennial budget; authorize that the General Assembly to provide future cost-of-living adjustments if the COLAs are prefunded at the time of enactment; amend KRS 16.197 to require the Trooper R class program to abide by the increased break in employment requirements required by this bill; amend KRS 16.505, 61.510, and 78.510 to define "accumulated employer credit" and "accumulated account balance"; amend KRS 16.555, 16.543, and 78.630 to change the name of the member contribution account in KERS, CERS, and SPRS to the member account; amend 16.560, 61.575, and 78.640 to conform the member account language in KERS, CERS, and SPRS to conform to the new hybrid cash balance plan and to make technical changes; amend KRS 16.565, 61.580, and 78.650 to require the employer pay credits and interest on those credits in the hybrid cash balance plan to be paid from the retirement allowance accounts of KERS, CERS, and SPRS; amend KRS 16.576, 16.577, and 61.559 to provide that the retirement benefit calculations and retirement eligibility provisions under these sections shall are not applicable to members participating in the hybrid cash balance plan on or after July 1, 2013; amend KRS 16.578 and 61.640, regarding death before retirement benefits, to conform to the new hybrid cash balance plan for new members of KERS, CERS, and SPRS; amend KRS 16.582 to require that new hazardous members of KERS, CERS, and SPRS participating in the hybrid cash balance plan will receive a disability benefit equal to the higher of the member's retirement allowance calculated under the hybrid cash balance plan or 25% of the member's final rate of pay;

amend KRS 16.652, 61.692, and 78.852 to limit the inviolable contract for new members who begin participating in the system on or after July 1, 2013, to the benefits accrued and to define benefits accrued for new members as the member's accumulated account balance; clarify that the General Assembly continues to have the authority to amend benefits for members participating prior to July 1, 2013, for those benefits the General Assembly had the authority to amend prior to July 1, 2013; amend KRS 61.545, 61.552, 61.555, and 78.540 to remove the purchase of service credit provisions for members who begin participating in KERS, CERS, and SPRS in the hybrid cash balance plan on or after July 1, 2013, with the exception of omitted service, recontributions of refunds, and military service if called to active duty while working; amend KRS 61.546 and 78.616 to remove the additional service credit awarded for accumulated sick leave upon retirement for members who begin participating in KERS, CERS, and SPRS in the hybrid cash balance plan on or after July 1, 2013; amend KRS 61.565 to eliminate the current policy goal, established by HB 1 in 2008, to phase-in to the full actuarially required contribution rates for KERS and SPRS over time and to establish a goal to fully fund the actuarially required contribution for these funds effective with FY 2014-2015; reset the amortization period for the payment of the unfunded liability for KERS, CERS, and SPRS to a new 30-year period to make the resetting of the amortization period contingent upon payment of the full actuarially required contribution; amend KRS 61.592 to remove the ability to convert nonhazardous service to hazardous duty service for members participating in the hybrid cash balance plan on or after July 1, 2013, and to make technical changes; amend KRS 61.595 to provide that the retirement benefit calculations and retirement eligibility provisions under this section are applicable to KERS, CERS, and SPRS members participating in the hybrid cash balance plan on or after July 1, 2013, and to delete language which is re-established in the bill; amend KRS 61.605 to provide that new non-hazardous members of KERS and CERS participating in the hybrid cash balance plan will receive a disability benefit equal to the higher of the member's retirement allowance calculated under the hybrid cash balance plan or 20% of the member's final rate of pay; amend KRS 61.615 to make changes to disability provisions governing discontinuance of benefits and the ability of the recipient to elect "early retirement" since early retirement provisions are no longer applicable to new members participating in the hybrid cash balance plan on or after July 1, 2013; amend KRS 61.625 to make technical and conforming changes and to clarify that a member convicted of a felony related to his or her employment will still only receive a refund of his or her accumulated contributions; amend KRS 61.635 to eliminate the actuarial equivalent refund option for

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members participating in the hybrid cash balance plan on or after July 1, 2013, and to remove a retirement allowance payment option specific to legislators; Amend KRS 61.637 to provide that KERS, CERS, and SPRS retirees who are reemployed on or after July 1, 2013, will be required to observe a 2-year break in employment in any position with any employer participating in KERS, CERS, and SPRS, except that members who retire from a hazardous duty position and return to work in a full-time hazardous duty are required to observe a 1-year break in employment; require employers to pay employer contributions and health reimbursements on full-time employees who are reemployed on or after July 1, 2013; amend KRS 61.645 to change the KRS board of trustees composition by adding 3 new trustees, including 1 trustee appointed by the Governor from a list of 3 individuals recommended by the Kentucky League of Cities, 1 trustee appointed by the Governor from a list of 3 individuals recommended by the Kentucky Association of Counties, and 1 trustee appointed by the Governor from a list of 3 individuals recommended by the Kentucky School Board Association; remove the trustee appointed by the Governor who must be knowledgeable about the impact of pensions on local governments; prohibit the 2 trustees appointed by the Governor with "investment experience" from being employed by or retired from an agency participating in KERS, CERS, or SPRS; require the systems to post on their Web site, and make available upon request, information regarding the systems' financial and actuarial condition that is easily understood by the members, retired members, and the public; amend KRS 78.530 to remove the alternate participation plan, which allows the agency purchases of past service for the member, for new agencies who join CERS; amend KRS 16.165, KRS 16.601, 16.645, 18A.205 61.621, 61.535, 61.690, and 78.45 to conform; provide noncodified language to affirm that the COLA for July 1, 2012, and July 1, 2013, for LRP, JRP, KERS, CERS, and SPRS that was suspended by the biennial branch budgets will continue to be suspended notwithstanding the provisions of this bill; provide noncodified language requiring the KRS trustee appointed by the Governor, based upon his or her knowledge of the impact of pensions on local governments, to be replaced by the person appointed by the Governor from a list of 3 individuals submitted by the Kentucky League of Cities as provided by this bill; EFFECTIVE July 1, 2013.

Feb 5-introduced in Senate; to State & Local Government (S); taken from State & Local Government (S); 1st reading; returned to State & Local Government (S)
Feb 6-reported favorably, 2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Thursday,

February 7, 2013; floor amendment (1) filed
Feb 7-3rd reading, passed 33-5 with floor amendment (1)
Feb 8-received in House
Feb 12-to State Government (H)
Feb 19-posted in committee
Feb 22-taken from State Government (H); 1st reading; returned to State Government (H)
Feb 25-taken from State Government (H); 2nd reading; returned to State Government (H)
Feb 26-reported favorably, to Rules with Committee Substitute, committee amendment (1-title) ; floor amendment (1) filed to Committee Substitute
Feb 27-taken from Rules; placed in the Orders of the Day for Wednesday, February 27, 2013; 3rd reading, passed 55-45 with Committee Substitute, committee amendment (1-title)
Feb 28-received in Senate; posted for passage for concurrence in House Committee Substitute, committee amendment (1-title) ; Senate refused to concur in House Committee Substitute, committee amendment (1-title)

Energy

[SB 46 - B. Smith](#)

AN ACT relating to biomass and declaring an emergency. Create a new section of KRS Chapter 278 to allow recovery of costs for purchase of power from certain biomass energy facilities; declare the Public Service Commission approval of cost recovery to be valid for the initial term of the purchase power agreement; EMERGENCY.

Jan 11-introduced in Senate
Feb 5-to Natural Resources & Energy (S)
Feb 6-reported favorably, 1st reading, to Consent Calendar
Feb 7-2nd reading, to Rules
Feb 11-posted for passage in the Regular Orders of the Day for Monday, February 11, 2013; 3rd reading, passed 38-0
Feb 12-received in House
Feb 13-to Tourism Development & Energy (H)
Feb 14-posting waived; reported favorably, 1st reading, to Consent Calendar
Feb 15-2nd reading, to Rules
Feb 19-posted for passage in the Consent Orders of the Day for Thursday, February 21, 2013
Feb 21-3rd reading, passed 100-0
Feb 22-received in Senate; enrolled, signed by President of the Senate
Feb 25-enrolled, signed by Speaker of the House; delivered to Governor

[SB 71 - J. Bowen, C. Gibson, J. Rhoads](#)

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AN ACT relating to energy and declaring an emergency.

Amend KRS 278.010 to create a definition for "large industrial consumer of electricity" and "load factor"; amend KRS 278.018 to allow large industrial consumers of electricity to purchase electricity from any person and require retail electric suppliers to provide electricity to large industrial consumer or person seeking to provide electricity to a large industrial consumer of electricity; EMERGENCY.

Feb 5-introduced in Senate

Feb 11-to Natural Resources & Energy (S)

Feb 20-taken from Natural Resources & Energy (S); 1st reading; returned to Natural Resources & Energy (S)

Feb 27-taken from Natural Resources & Energy (S); 2nd reading; returned to Natural Resources & Energy (S)

[HB 27 - T. Thompson](#)

AN ACT relating to city-operated natural gas distribution systems.

Create a new section of KRS Chapter 96 to address extension, acquisition, and condemnation by city-operated natural gas distribution systems.

[HB 27 - AMENDMENTS](#)

[HCS/LM](#) - Create a new section of KRS Chapter 96; grant any city that owns or operates a natural gas system the right to extend the system and sell natural gas within and outside city boundaries; allow city to install apparatus for distribution outside city boundaries and acquire rights-of-way and condemn property; allow any city, except a consolidated local government, to acquire existing natural gas plant, subject to KRS 96.580 to 96.600; prohibit the condemnation of natural gas plant within Commonwealth by cities in another state; prohibit extension and sale of natural gas into territory currently served by a natural gas utility; prohibit extension and sale of natural gas when there is another gas utility closer; clarify that the prohibitions in Section 4 apply only to extension issues municipal gas utilities and private or investor-owned natural gas utilities.

Jan 8-introduced in House; to Tourism Development & Energy (H)

Jan 11-reassigned to Natural Resources & Environment (H)

Feb 7-posted in committee

Feb 21-reported favorably, 1st reading, to Consent Calendar with Committee Substitute

Feb 22-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 26, 2013

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Feb 26-3rd reading, passed 96-1 with Committee Substitute

Feb 27-received in Senate

[HB 110 - J. Gooch Jr.](#)

AN ACT relating to utility rate adjustment for fuel costs.

Create a new section of KRS Chapter 278 to prohibit the use of the fuel adjustment clause by baseload generation facilities which are fired by natural gas.

Jan 9-introduced in House

Jan 10-to Tourism Development & Energy (H)

Jan 11-reassigned to Natural Resources & Environment (H)

Feb 5-posted in committee

[HB 211 - T. Thompson, J. Gooch Jr., J. Arnold Jr., C. Embry Jr., J. Glenn, K. Hall, B. Waide](#)

AN ACT relating to energy and declaring an emergency.

Amend KRS 278.010 to create a definition for "large industrial consumer of electricity" and "load factor"; amend KRS 278.018 to allow large industrial consumers of electricity to purchase electricity from any person and require retail electric suppliers to provide electricity to large industrial consumer or person seeking to provide electricity to a large industrial consumer of electricity; EMERGENCY.

[HB 211 - AMENDMENTS](#)

[HCS/LM](#) - Retain original provisions of HB 211; add definition for "independent transmission system operator or ISO"; require large industrial consumers of electricity to reimburse the utility for annual costs charged to the utility by the ISO; delete provision that existing retail electric supplier retain its obligation to maintain transmission and distribution facilities for delivery of electricity to large consumers; require if a large consumer purchases electricity from another person, other than its incumbent retail electric supplier, the retail electric supplier shall have no further obligation to sell electricity to that consumer. [HFA \(1, S. Rudy\)](#) - Retain original provisions, except amend KRS 278.600 to revise definitions for nuclear power facilities; repeal KRS 278.605; amend KRS 278.610 to conform.

[HFA \(2, B. Linder\)](#) - Retain original provisions, with the following changes: delete the requirement for reimbursement of annual generation and transmission costs charged to a utility by an ISO; establish the "customer protection from stranded costs assistance fund"



in the State Treasury, consisting primarily of transfers of certain single-county account Local Government Economic Development Fund moneys, to be administered by the Public Service Commission for the purpose of helping to protect ratepayers from incurring rate increases to cover the stranded costs of a retail electric utility caused by the election of a large industrial consumer of electricity to purchase electricity from another source, and which are not otherwise reimbursed or covered by that electing consumer.

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

[HFA \(4\)](#), J. Adams) - Require large industrial consumer of electricity to reimburse the existing retail electric supplier for stranded costs and for costs of regional transmission organization's requirements; authorize PSC to intercede where no agreement on amount or terms.

Feb 5-introduced in House

Feb 6-to Natural Resources & Environment (H); posting waived

Feb 7-posted in committee

Feb 19-taken from Natural Resources & Environment (H); 1st reading; returned to Natural Resources & Environment (H)

Feb 20-taken from Natural Resources & Environment (H); 2nd reading; returned to Natural Resources & Environment (H)

Feb 21-reported favorably, to Rules with Committee Substitute

Feb 22-posted for passage in the Regular Orders of the Day for Monday, February 25, 2013

Feb 25-floor amendment (1) filed to Committee Substitute

Feb 26-floor amendments (2) and (4) filed to Committee Substitute, floor amendment (3-title) filed

[HB 212](#) - [K. Hall](#), [S. Riggs](#)

AN ACT relating to clean and alternative transportation fuels.

Create new sections of KRS Chapter 186 to define "clean transportation fuel," "conversion," "liquefied, petroleum gas," and other terms associated with the retrofitting of vehicles to operate on liquefied or compressed natural gas; require safety inspections of vehicles burning natural gas; amend sections of KRS Chapter 152 to include compressed and liquefied natural gas in the definition of "alternative transportation fuels" and to include Kentucky's public and private colleges in the state strategy for developing those fuels; amend sections of Subchapter 20 of KRS Chapter 154 to include local government entities in the definition of "eligible company" for the alternative fuel and renewable energy program; create and amend sections of KRS Chapter 141 to establish

income tax credits for persons who buy new vehicles fueled by natural gas or convert existing vehicles to do so; amend KRS 156.153 to direct the Department for Education to consider allowing school buses powered by natural gas; amend KRS 234.321 to require compliance with federal rather than state standards.

[HB 212](#) - AMENDMENTS

[HFA \(1\)](#), K. Hall) - Remove tax credits for buying or converting to natural gas vehicles.

[HFA \(2\)](#), K. Hall) - Remove requirements that the Transportation Cabinet authorize persons to perform safety inspections; delete section granting tax credits to persons buying or converting to natural gas vehicles; delete conforming section; renumber subsequent sections.

[HFA \(3\)](#), K. Hall) - Remove requirements that the Transportation Cabinet authorize persons to perform safety inspections; delete section granting tax credits to persons buying or converting to natural gas vehicles; delete conforming section; renumber subsequent sections.

Feb 5-introduced in House

Feb 6-to Tourism Development & Energy (H)

Feb 12-posted in committee

Feb 14-reported favorably, 1st reading, to Consent Calendar

Feb 15-2nd reading, to Rules

Feb 21-placed in the Orders of the Day; floor amendments (1) (2) and (3) filed

Feb 22-3rd reading, passed 93-0 with floor amendments (1) and (3)

Feb 25-received in Senate

Feb 27-to Natural Resources & Energy (S)

[HB 288](#) - [M. King](#)

AN ACT relating to state buildings.

Amend KRS 56.770 relating to the Energy Efficiency Program for State Government Buildings to expand definitions of "building" and "energy efficiency measure."

Feb 7-introduced in House

Feb 11-to State Government (H)

Feb 12-posted in committee

Feb 14-reported favorably, 1st reading, to Consent Calendar

Feb 15-2nd reading, to Rules

Feb 19-posted for passage in the Consent Orders of the Day for Thursday, February 21, 2013

Feb 21-3rd reading, passed 98-2

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Feb 22-received in Senate
Feb 26-to Appropriations & Revenue (S)

[HB 363 - J. Gooch Jr.](#)

AN ACT relating to fuel use for electric generation.
Create a new section of KRS Chapter 278 to limit utility fuel choice options for base load generation where price deviation exceeds certain limits

Feb 13-introduced in House
Feb 14-to Natural Resources & Environment (H)
Feb 19-posted in committee

[HB 370 - R. Adkins, J. Stacy, J. DeCesare, K. Hall, R. Heath, S. Overly, R. Rand, S. Rudy, K. Sinnette, T. Thompson, B. Yonts](#)

AN ACT relating to the promotion of manufacturing in the Commonwealth.

Amend KRS 103.200 to make technical corrections; amend KRS 103.210 and 103.240 to clarify that industrial revenue bonds may be issued to assist with developing and improving manufacturing facilities to increase the energy efficiency thereof; amend KRS 103.220 to conform; amend KRS 103.286 to reserve 10% of the state private activity bond cap for small or medium-sized 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; create a new section of KRS 103.200 to 103.285 to state terms and conditions for the issuance of manufacturing facility energy efficiency bonds pursuant to this Act; create a new section of KRS Chapter 147A to allow the Department for Local Government to establish, as resources are available, an information clearinghouse to provide advice and guidance to local governments and the public relating to the issuance and possible uses of industrial revenue bonds.

Feb 13-introduced in House
Feb 14-to Tourism Development & Energy (H)
Feb 19-posted in committee
Feb 21-reported favorably, 1st reading, to Consent Calendar
Feb 22-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 26, 2013
Feb 26-3rd reading, passed 97-0
Feb 27-received in Senate

[HCR 15 - K. Hall](#)

Urge the Energy and Environment Cabinet to develop an

action plan for energy efficiency with a voluntary minimum goal of one percent per year energy- use reduction through 2025; request reports to the Special Subcommittee on Energy.

Jan 8-introduced in House; to Tourism Development & Energy (H)
Feb 12-posted in committee
Feb 14-reported favorably, 1st reading, to Consent Calendar
Feb 15-2nd reading, to Rules
Feb 19-posted for passage in the Consent Orders of the Day for Thursday, February 21, 2013
Feb 21-3rd reading, adopted 100-0
Feb 22-received in Senate
Feb 26-to Natural Resources & Energy (S)

[HJR 41 - L. Combs](#)

Direct the Department of Housing, Building and Construction to form a Task Force to conduct a study of the energy consumption in manufactured housing in Kentucky and to recommend actions for stakeholders, utilities and state government to improve energy efficiency in manufactured housing; require the task force to submit its findings and recommendations to the Legislative Research Commission by December 1, 2013.

Feb 5-introduced in House
Feb 6-to Tourism Development & Energy (H)
Feb 12-posted in committee
Feb 14-reported favorably, 1st reading, to Consent Calendar
Feb 15-2nd reading, to Rules
Feb 19-posted for passage in the Consent Orders of the Day for Thursday, February 21, 2013
Feb 21-3rd reading, adopted 100-0
Feb 22-received in Senate
Feb 26-to Natural Resources & Energy (S)

[HJR 104 - T. McKee, W. Stone](#)

Direct Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Northern Kentucky University, the University of Kentucky, the University of Louisville, and Western Kentucky University to report their most recent research on cellulosic ethanol, including sweet sorghum, switchgrass, wood, and miscanthus to the Senate Standing Committee on Agriculture and the House Standing Committee on Agriculture and Small Business by January 7, 2014.

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[HJR 104](#) - AMENDMENTS

[HCS](#) - Retain original provisions of the bill, except amend to allow research to include second generation biofuels.
[HCA \(1/Title, T. McKee\)](#) - Make title amendment.

Feb 15-introduced in House
 Feb 19-to Agriculture & Small Business (H)
 Feb 22-posted in committee; posting waived
 Feb 25-reported favorably, 1st reading, to Calendar with Committee Substitute, committee amendment (1-title)
 Feb 26-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Wednesday, February 27, 2013

[HR 69](#) - [R. Smart](#), [M. Marzian](#), [K. Flood](#), [J. Jenkins](#), [S. Overly](#), [J. Wayne](#)

Promote the benefits of green schools.
 Feb 7-introduced in House
 Feb 11-to House Floor

Environment

[SB 190](#) - [P. Hornback](#), [D. Givens](#), [D. Parrett](#)

AN ACT relating to water quality.
 Create a new section of Subchapter 70 of KRS Chapter 224 to require the Energy and Environment cabinet to maintain a list of impaired water identified pursuant to 33.U.S.C.sec. 1313(d) and total maximum daily load effluent limitations; identify the methods, information and rationale for placing the water on the list of impaired waters or the development of a new TMDL; provide notice to those who want to be alerted to waters on the 303(d) list or new total maximum daily load limitations; require the cabinet to take all necessary step to remove restrictions or limitations as a result of a listing or a new TMDL if the water later meets applicable water quality standards; require the cabinet to report the following year's TMDL development plan and make the written report available to the Interim Joint Committee on Natural Resources and Environment and place it on the cabinet's Web site.

Feb 15-introduced in Senate
 Feb 19-to Natural Resources & Energy (S)
 Feb 27-reported favorably, 1st reading, to Consent Calendar
 Feb 28-2nd reading, to Rules

[HB 126](#) - [B. Yonts](#), [W. Stone](#)

AN ACT relating to the Petroleum Tank Environmental Assurance Fund.
 Amend KRS 224.60-142 to extend the date for tank owners to register, submit affidavits and file applications for their tanks in the Petroleum Storage Tank Environmental Assurance fund from July 15, 2013, to July 15, 2016; amend KRS 224.60-130 to require the cabinet to make reimbursements for those participating in the petroleum storage tank program before July 15, 2019; amend KRS 224.60-145 to extend the small operator assistance account and small operator removal account programs for 3 years from July 15, 2013, to July 15, 2016.

Jan 11-introduced in House
 Feb 5-to Natural Resources & Environment (H)
 Feb 7-posted in committee
 Feb 14-reported favorably, 1st reading, to Consent Calendar
 Feb 15-2nd reading, to Rules
 Feb 19-posted for passage in the Consent Orders of the Day for Thursday, February 21, 2013
 Feb 21-3rd reading, passed 100-0
 Feb 22-received in Senate
 Feb 26-to Appropriations & Revenue (S)

[HB 269](#) - [C. Rollins II](#)

AN ACT relating to the Kentucky Environmental Education Council.
 Amend KRS 157.915 to clarify that the Kentucky Environmental Education Council will include the central office of the Kentucky Community and Technical College System in the coordination of postsecondary education environmental activities.

Feb 7-introduced in House
 Feb 11-to Education (H)
 Feb 13-posted in committee
 Feb 21-reported favorably, 1st reading, to Consent Calendar
 Feb 22-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 26, 2013
 Feb 26-3rd reading, passed 97-0
 Feb 27-received in Senate

[HB 281](#) - [K. Hall](#)

AN ACT relating to land conservation and making an appropriation therefor.
 Amend KRS 146.560 to allow the Kentucky Heritage Land

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Conservation Fund to make grants to private, nonprofit land trust organizations; require dollar-for-dollar match of funds allocated; amend KRS 146.570 to allow the board to promulgate administrative regulations to allow grants to be made to private, nonprofit land trust organizations that match dollar-for-dollar.

Feb 7-introduced in House
 Feb 11-to Tourism Development & Energy (H)
 Feb 12-posted in committee
 Feb 14-reported favorably, 1st reading, to Consent Calendar
 Feb 15-2nd reading, to Rules
 Feb 19-posted for passage in the Consent Orders of the Day for Thursday, February 21, 2013
 Feb 21-taken from the Consent Orders of the Day, placed in the Regular Orders of the Day
 Feb 22-3rd reading, passed 95-1
 Feb 25-received in Senate
 Feb 27-to Natural Resources & Energy (S)

[HB 378 - F. Steele, S. Rudy, R. Heath, K. Imes, B. Linder, D. Meade, R. Quarles, S. Santoro, W. Stone, S. Westrom](#)

AN ACT relating to impaired waters.
 Create a new section of Subchapter 70 of KRS Chapter 224 to define terms; require the Energy and Environment cabinet to maintain a listing of impaired waters placed on the 303(d) list and to make that list available on the cabinet's Web site; require the cabinet include other methodological information associated with determining whether to place the water body on the list and with developing any total maximum daily load; require the cabinet to provide notice to certain interested parties of a water body's listing on the 303(d) for effluent or thermal-based impairment; require the cabinet to prepare a report each year to the Interim Joint Committee on Natural Resources and Environment by December 31 on TMDL development for the following year and create delayed effective date for the website listing of impaired waters and total maximum daily loads.

Feb 14-introduced in House
 Feb 15-to Natural Resources & Environment (H)
 Feb 19-posted in committee
 Feb 21-reported favorably, 1st reading, to Consent Calendar
 Feb 22-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 26, 2013
 Feb 26-3rd reading, passed 97-0
 Feb 27-received in Senate

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[HB 431 - R. Palumbo](#)

AN ACT relating to tax increment financing.
 Amend KRS 65.7043 and 65.7049 to include mixed-use development areas such as public storm water and/or sanitary sewer facilities, to comply with a court decree mandating corrective action by local government.

Feb 19-introduced in House
 Feb 20-to Economic Development (H); posting waived
 Feb 21-reported favorably, 1st reading, to Consent Calendar
 Feb 22-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 26, 2013
 Feb 26-3rd reading, passed 97-0
 Feb 27-received in Senate

[HCR 109 - J. Gooch Jr.](#)

Urge the United States Congress to persuade the Environmental Protection Agency to withdraw its proposed Greenhouse Gas New Source Performance Standard for Electric Generating Units.

Feb 19-introduced in House
 Feb 20-to Natural Resources & Environment (H)
 Feb 21-posted in committee
 Feb 26-posted in committee

Natural Resources

[HB 306 - G. Stumbo, L. Combs, S. Rudy](#)

AN ACT relating to geothermal wells.
 Amend KRS 223.400 to create new definitions for "geothermal borehole" and "geothermal vertical closed loop well"; amend KRS 223.435, 223.445 and 223.455 to include geothermal borehole drilling and geothermal vertical closed loop well installation under the regulatory authority of the Cabinet for Energy and Environment and the Kentucky Water Well Certification Board.

[HB 306 - AMENDMENTS](#)

[HCS](#) - Retain original provisions, except revise definition of "geothermal borehole."

Feb 8-introduced in House
 Feb 11-to Tourism Development & Energy (H)
 Feb 19-posted in committee
 Feb 21-reported favorably, 1st reading, to Consent



Calendar with Committee Substitute
 Feb 22-2nd reading, to Rules; posted for passage in the
 Consent Orders of the Day for Tuesday, February 26, 2013
 Feb 26-3rd reading, passed 96-1 with Committee
 Substitute
 Feb 27-received in Senate

[HB 424 - J. Gooch Jr.](#)

AN ACT relating to coal mine reclamation and declaring an emergency.

Create new sections of KRS Chapter 350 to define "actuarial soundness," "date of establishment of the fund," "Kentucky reclamation guaranty fund" "Reclamation Guaranty Fund Commission," "discount rate," and "voluntary bond pool"; establish the Kentucky reclamation guaranty fund as a non-lapsing revolving account and attach it to the Energy and Environment Cabinet; determine moneys and administration of the fund; specify uses for fund dollars; exempt the fund from requirements applicable to insurers under KRS Chapter 304; establish a 7-member Reclamation Guaranty Fund Commission; make the secretary or his designee chair of the commission; establish initial appointments by the Governor and make the term of appointment 4 years with reappointment; allow a \$150 per diem for members of the commission and payment of actual and necessary expenses related to meetings; establish terms of vacancy on the commission, conflict of interest on matters of the commission, and misuse of office; subject members to executive branch ethics code; authorize the commission to promulgate administrative regulations and matters to which those regulations pertain; establish penalties and permittee classifications; require the commission to report to the Interim Joint Committee on Banking and Insurance and the Governor annually; allow the commission to conduct investigations and subpoena on behalf of the commission for specific activities of permittees; require actions to be in Franklin Circuit Court and allow the cabinet to use the legal department for those actions; appoint an executive director to an Office of the Reclamation Guaranty Fund who will conduct the duties of the fund including collecting fees, assessing permit eligibility, paying out on reclamation, and making reports; require membership in the fund be mandatory; establish initial capitalization of the fund and transfer all assets of the previously established voluntary bond pool commonly known as the small operators bond pool; establish start-up assessments and per-acre assessments; require permit-specific bond of permittees in the bond pool; establish assignments or classifications for purposes of paying fees to the fund; establish criteria for the commission to consider inclusion of permits in the fund that were under

the former voluntary bond pool and permit specific bond for any that are to be included; allow the commission to change rates and fees through administrative regulation and suspensions for failure to pay fees, suspension of permits, and other penalties; determine the proportion of penalties paid that goes to the fund and to the abandoned mine land supplemental fund; specify the method by which moneys from performance bonds and fund moneys shall be apportioned to pay for outstanding reclamation costs; repeal the following KRS: 350.700, 350.705, 350.710, 350.715, 350.720, 350.725, 350.730, 350.735, 350.740, 350.745, 350.750, and 350.755; amend KRS 12.020 to establish the Office of the Guaranty Fund; amend KRS 350.595 and 350.990 to conform; and EMERGENCY.

Feb 19-introduced in House
 Feb 20-to Natural Resources & Environment (H); posted in committee
 Feb 21-posted in committee
 Feb 27-taken from Natural Resources & Environment (H); 1st reading; returned to Natural Resources & Environment (H)
 Feb 28-taken from Natural Resources & Environment (H); 2nd reading; returned to Natural Resources & Environment (H)

[HCR 42 - L. Combs](#)

Establish a Timber Theft and Trespass Reduction Task Force; provide that the purpose of the task force is to study issues regarding timber theft and trespass and to develop consensus recommendations to address those issues; name the membership of the task force; require the task force to meet three times before submitting its final report; require its final report to be submitted to the Legislative Research Commission by December 6, 2013; and provide that the Legislative Research Commission has authority to alternatively assign the issues identified in the Resolution to interim joint committees or subcommittees thereof.

Feb 5-introduced in House
 Feb 6-to Natural Resources & Environment (H)
 Feb 19-posted in committee
 Feb 21-reported favorably, 1st reading, to Consent Calendar
 Feb 22-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 26, 2013
 Feb 26-3rd reading, adopted 97-0
 Feb 27-received in Senate

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[HR 122 - R. Adkins, D. Floyd, J. Gooch Jr](#)

Urge President Barack Obama and the administration to support oil production off the northern coast of Alaska and approve the TransCanada Keyston XL pipeline project.

Feb 20-introduced in House
Feb 21-to House Floor
Feb 22-adopted by voice vote

Health & Safety[HB 66 - S. Riggs](#)

AN ACT relating to radon contractors.

Amend KRS 211.9109, 211.9111, and 211.9113 to delete the requirement for a radon measurement contractor to maintain errors and omissions coverage in an amount of \$500,000 at all times during the certification period; enable a radon mitigation or measurement contractor to become certified without filing a license and permit bond; amend KRS 211.9117 to remove the diagnostic-purposes-only exemption from the prohibition on a person dually certified as both a measurement and mitigation contractor conducting mitigation on a residential or commercial building from conducting measurement on that same structure to determine the need for the mitigation; amend KRS 211.9121 to conform.

Jan 8-introduced in House; to Licensing & Occupations (H)
Jan 11-posted in committee
Feb 6-reported favorably, 1st reading, to Consent Calendar
Feb 7-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Monday, February 11, 2013
Feb 11-3rd reading, passed 98-0
Feb 12-received in Senate
Feb 14-to Licensing, Occupations, & Administrative Regulations (S)

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