



**Kentucky Legislative Report
March 15, 2013 - Regular Session Update
Smith Management Group Government Solutions
Prepared by
Scott R. Smith and Kori Andrews**

Scott's Thoughts

Late Tuesday night, the General Assembly completed its 28th day of the 30 day session. Currently, the legislators are in their 'veto recess' period until March 25th. Our Legislative Updates will return at that time.

I have removed all information regarding bills that have little or no chance of becoming law. What's left appears to be an interesting array of important noncontroversial issues. These would include SB 46 that allowed the recovery of costs for purchase of power from certain biomass facilities. This Bill has been sent to the Governor; HB 370 relates to industrial energy efficiency is still barely alive but could make it through; HB 126 is the renewal to the State's Petroleum Tank Fund has been sent to the Governor; HB378 addresses providing more transparency to the State's TMDL and water quality processes was delivered to the Governor. An interesting idea was presented in HB 281. That Bill allows the Kentucky Heritage Land Conservation Fund to make grants to private, nonprofit land trust organizations and require a dollar for dollar match of funds allocated. It will be interesting to see what this Bill will make happen.

What has happened to HB 337 is interesting. It started out as a Bill relating to the local government economic development fund. Take a look at the Senate Amendment 2 on our summary and you will see lots things that don't relate to the original bill. When different things like this are added to a Bill, it's referred to as a "Christmas Tree Bill". A similar thing happened to HB, 66 a radon bill. Senator Seum added a provision relating to who qualifies as the owner of a dog.

A special session is likely to deal with pension reform, unless it miraculously passes during this veto recess. The Governor's office and the House want to link pension reform with tax reform. The Senate does not. This should be interesting.

Some good ideas started this session but for some reason just didn't make it through. HB 212 related to retrofitting vehicles to operation on liquefied or compressed natural gas; HCR 15 required the Energy and Environment Cabinet to report the progress on their action plan to meet a voluntary minimum goal of 1% per year; HJR 41 asked that a task force to be assembled to address inefficient manufactured housing in Kentucky; HR 69 was to promote the benefits of green schools.

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

Scott R. Smith, scottr.smith@smithmanage.com, 859-231-8936 x 116 or
Kori Andrews, koria@smithmanage.com, 502-587-6482 x207.

Contents

Energy	3
Environment	5
Health & Safety	7

Lexington
1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville
1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax





Energy

[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.

[HFA \(5\)](#), T. Thompson) - Delete original provisions; create new sections of KRS Chapter 278 to establish a special rate tariff program to be administered by the Public Service Commission, under which certain serving utilities are required to serve the electrical requirements of a qualifying large industrial consumer of electricity customer at a special rate as determined by the commission in a special rate tariff proceeding; define terms; provide various terms and conditions for the special rate program; create new sections of KRS Chapter 143 to create a coal severance and processing tax credit to be provided to taxpayers supplying coal to a utility subject to a special rate tariff, not to exceed 50% of the taxpayer's liability, effective for taxable years beginning on or after Jan. 1, 2013; require that certain payments be made to the utility from taxpayers receiving the credit, which will assist with mitigating any revenue shortfalls occasioned by the special rate tariff requirement; provide terms and conditions for the tax credit, including that any credit claimed is deemed to reduce only the state general fund portion of a taxpayer's severance tax liability, not affecting the portion of revenues transferred to the Local Government Economic Development and Assistance Funds for allocation to local governments; state short title of the bill; EMERGENCY.

[HFA \(6\)](#), T. Thompson) - Delete original provisions; create new sections of KRS Chapter 278 to establish a special rate tariff program to be administered by the Public Service Commission, under which certain serving utilities are required to serve the electrical requirements of a qualifying large industrial consumer of electricity customer at a special rate as determined by the commission in a special rate tariff proceeding; define terms; provide various terms and conditions for the special rate program; create new sections of KRS Chapter 143 to create a coal severance and processing tax credit to be provided to taxpayers supplying coal to a utility subject to a special rate tariff, not to exceed 50% of the taxpayer's liability, effective for taxable years beginning on or after Jan. 1, 2013; require that certain payments be made to the utility from taxpayers receiving the credit, which will assist with mitigating any revenue shortfalls occasioned by the special rate tariff requirement; provide terms and conditions for the tax credit, including that any credit claimed is deemed to reduce only the state general fund portion of a taxpayer's severance tax liability, not affecting the portion of revenues transferred to the Local Government Economic Development and Assistance Funds for allocation to local governments; state short title of the bill; EMERGENCY.

[HFA \(7\)](#)/P, L. Combs) - Retain original provisions and create a new section of KRS Chapter 164 to establish the Kentucky Coal County College Completion Program to include the Kentucky Coal County College Completion Scholarship and the Kentucky Coal County College

Completion Student Services Grant; create the Kentucky Coal County District to include coal-producing counties as defined in KRS 42.4592(1)(c); direct the Kentucky Higher Education Assistance Authority to administer the program; define student and institutional eligibility for scholarships and grants; define the maximum grant amounts; require the authority to make an annual report on the program and a program evaluation every four years; fund the program with amounts appropriated from coal severance tax receipts in the biennial budget; APPROPRIATION.

[HFA \(8/P, L. Combs\)](#) - Retain original provisions and create a new section of KRS Chapter 164 to establish the Kentucky Coal County College Completion Program to include the Kentucky Coal County College Completion Scholarship and the Kentucky Coal County College Completion Student Services Grant; create the Kentucky Coal County District to include coal-producing counties as defined in KRS 42.4592(1)(c); direct the Kentucky Higher Education Assistance Authority to administer the program; define student and institutional eligibility for scholarships and grants; define the maximum grant amounts; require the authority to make an annual report on the program and a program evaluation every four years; fund the program with amounts appropriated from coal severance tax receipts in the biennial budget; APPROPRIATION.

[HFA \(9/Title, L. Combs\)](#) - Make title amendment.

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

Mar 6-floor amendment (6) filed to Committee Substitute, floor amendment (5) filed

Mar 7-3rd reading; returned to the Orders of the Day

Mar 11-floor amendment (8) filed to Committee Substitute, floor amendments (7) and (9-title) filed

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

Lexington

1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville

1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax

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.

[HB 370](#) - AMENDMENTS

[SFA \(1, B. Leeper\)](#) - Retain original provisions, except 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 that 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 ones constructed by entities 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 278.605.

[SFA \(2/Title, B. Leeper\)](#) - Make title amendment.

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

Mar 4-to Natural Resources & Energy (S)



Mar 5-taken from Natural Resources & Energy (S); 1st reading; returned to Natural Resources & Energy (S)
 Mar 6-reported favorably, 2nd reading, to Rules as a Consent Bill; floor amendments (1) and (2-title) filed
 Mar 7-posted for passage in the Consent Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 30-0-4 with floor amendments (1) and (2-title)
 Mar 12-received in House

Environment

[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)
 Mar 5-reported favorably, 1st reading, to Consent Calendar
 Mar 6-2nd reading, to Rules
 Mar 7-posted for passage in the Consent Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 38-0; received in House
 Mar 12-enrolled, signed by each presiding officer; delivered to Governor

[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
 Mar 4-to Education (S)
 Mar 5-taken from Education (S); 1st reading; returned to Education (S)
 Mar 6-taken from Education (S); 2nd reading; returned to Education (S)
 Mar 7-reported favorably, to Rules as a Consent Bill; posted for passage in the Consent Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 38-0
 Mar 12-received in House; enrolled, signed by each presiding officer; delivered to Governor

[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 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)
 Mar 5-taken from Natural Resources & Energy (S); 1st reading; returned to Natural Resources & Energy (S)
 Mar 6-reported favorably, 2nd reading, to Rules as a Consent Bill

Lexington

1405 Mercer Road
 Lexington, KY 40511
 859-231-8936
 859-231-8997 fax

Louisville

1860 B Williamson Court
 Louisville, KY 40223
 502-587-6482
 502-587-6572 fax



Mar 7-posted for passage in the Consent Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 38-0
Mar 12-received in House; enrolled, signed by each presiding officer; delivered to Governor

[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.

[HB 378](#) - AMENDMENTS

[SCS](#) - Retain original provisions of HB 378; clarify that the public has opportunity for review and public comment on Total Maximum Daily Loads (TMDL); specify a 60 day period for review and comment; indicate that any removal of a water from the impaired water listing will comply with applicable laws and regulations.

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
Mar 4-to Natural Resources & Energy (S)
Mar 5-taken from Natural Resources & Energy (S); 1st reading; returned to Natural Resources & Energy (S)
Mar 6-reported favorably, 2nd reading, to Rules with Committee Substitute as a Consent Bill
Mar 7-posted for passage in the Consent Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 38-0 with Committee Substitute
Mar 12-received in House; to Rules (H); taken from Rules;

posted for passage for concurrence in Senate Committee Substitute ; House concurred in Senate Committee Substitute ; passed 97-0; enrolled, signed by each presiding officer; delivered to Governor

[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
Mar 4-to Appropriations & Revenue (S)
Mar 5-taken from Appropriations & Revenue (S); 1st reading; returned to Appropriations & Revenue (S)
Mar 6-taken from Appropriations & Revenue (S); returned to Appropriations & Revenue (S); 2nd reading
Mar 7-reported favorably, to Rules as a Consent Bill; posted for passage in the Consent Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 38-0
Mar 12-received in House; enrolled, signed by each presiding officer; delivered to Governor

[HB 337/LM](#) - [J. Short](#), [J. Gooch Jr.](#), [H. Collins](#), [L. Combs](#), [K. Hall](#), [F. Steele](#)

AN ACT relating to the local government economic development fund.
Amend KRS 42.4585 to increase the minimum transfer amount from the local government economic development fund to the local government economic assistance fund from 15% to 25%.

[HB 337](#) - AMENDMENTS

[HCS/LM](#) - Delete the provisions of the bill and substitute noncodified language permitting coal producing counties with a projected shortfall in budgeted distributions from the Local Government Economic Assistance Fund in fiscal year 2013 of 25% or greater to petition the Department for Local Government for a reallocation of funds from the individual county account in the Local Government

Lexington
1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville
1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



Economic Development Fund or from specific appropriations for identified projects in the county funded from the Local Government Economic Development Fund; require the Department for Local Government to report any approved reallocations to the State Budget Director and the Interim Joint Committee on Appropriations and Revenue.

[HFA \(1, J. Short\)](#) - Retain original provisions, except increase the shortfall to qualify for reallocation from 25 to 30.

[SCA \(1, B. Leeper\)](#) - Retain original provisions except decrease the shortfall to qualify for reallocation from 30 percent to 25 percent.

[SCA \(2, B. Leeper\)](#) - Retain original provisions; create a new section of KRS Chapter 141 to establish the employers' organ and bone marrow donation credit; amend KRS 141.010 to exempt the discharge of indebtedness from the sale of a principal residence for taxable years beginning on or after January 1, 2013; create new sections of Subchapter 20 of KRS Chapter 154 to expand the Kentucky Investment Fund Act to allow for tax credits to be provided to individual investors making certain investments in small businesses, in addition to credits to investment funds; define terms; list requirements for small businesses and individual investors to qualify for participation; require the Kentucky Economic Development Finance Authority (KEDFA) to establish the application process; cap the total amount of individual investor and investment fund tax credits available through the Kentucky Investment Fund Act in all years at \$40,000,000; require KEDFA to maintain a website listing all businesses and individual investors certified and all credits awarded; require small businesses to report annually and allow for tax credit recapture in certain circumstances; amend KRS 154.20-255 to provide that the total amount of tax credits available through the Kentucky Investment Fund Act program for both individuals and funds is \$40,000,000 in all years; create a new section of KRS Chapter 141 to establish the credit; amend KRS 304.17A-730 to require the commissioner of the Department of Insurance to enforce Kentucky's prompt payment laws as they relate to disputes between the providers of care to Medicaid recipients and Medicaid Managed care organizations and Medicaid recipients and the MCOs; amend KRS 304.17A-722 to require all insurers to report quarterly information on prompt payment of claims, including the number of original claims and corrected claims received by the insurer, its agent, or designee; amend KRS 141.0205 to order the tax credits and make technical corrections; guarantee the payment of interest on certain claims.

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

[SFA \(1, R. Jones II\)](#) - Retain original provisions; amend KRS 42.480 to require the Department for Local Government to provide estimates of severance tax receipts to local

governments eligible for funds under KRS 42.450 to 42.495 based upon the estimates used in the enacted budget, and to update those estimates annually based upon information obtained from the Office of State Budget Director; prohibit local governments eligible to receive funds from the local government economic assistance funds from including revenues beyond those estimated in its adopted budget.

Feb 11-introduced in House

Feb 12-to Appropriations & Revenue (H)

Feb 15-posted in committee

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

Feb 20-2nd reading, to Rules; floor amendment (1) filed to Committee Substitute

Feb 21-posted for passage in the Consent Orders of the Day for Monday, February 25, 2013; taken from the Consent Orders of the Day, placed in the Regular Orders of the Day for Friday, February 22, 2013

Feb 25-3rd reading, passed 94-0 with Committee Substitute, floor amendment (1)

Feb 26-received in Senate

Feb 28-to Appropriations & Revenue (S)

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

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

Mar 7-floor amendment (1) filed ; reported favorably, to Rules with committee amendments (1) (2) and (3-title) as a Consent Bill; posted for passage in the Regular Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 36-1 with committee amendments (1) (2) and (3-title)

Mar 11-received in House; posted for passage for concurrence in Senate committee amendments (1) (2) and (3-title) ; House refused to concur in Senate committee amendments (1) (2) and (3-title) ; received in Senate

Mar 12-posted for passage for receding from Senate committee amendments (1) (2) and (3-title) ; Senate refused to recede from committee amendments (1) (2) and (3-title) ; Conference Committee appointed in House and Senate

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

Lexington

1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville

1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



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.

[HB 66](#) - AMENDMENTS

[SCS](#) - Define "actuarial soundness," "Date of establishment of the fund," "discount rate," "Kentucky Reclamation Guaranty Fund," "Reclamation guaranty fund commission," and "Voluntary bond pool"; create sections to establish the Kentucky reclamation guaranty fund and identify the funding sources and use of moneys into the fund; establish the Kentucky Reclamation guaranty fund commission as a seven-member commission; identify the members of the commission and the terms of membership; assign the commission to the Energy and Environment Cabinet and authorize the commission's functions and duties; establish the Office of the Reclamation Guaranty Fund and allow the commission to hire an executive director; prescribe the duties of the director; prescribe the start-up funding mechanisms for the Kentucky Reclamation Guaranty Fund and require payment of onetime assessment within 30 days after notice and prohibit issuance of a permit until onetime assessment is paid; create exemption from the onetime assessment for former voluntary bond pool members; establish tonnage fees for members and a deviation from those fees for former voluntary bond pool members; allow a permittee to post full cost bond in lieu of participation in the fund; require audits and actuarial studies; require report of the financial status of the Reclamation Guaranty Fund annually to the Interim Joint Committee on Natural Resources and Environment; establish sanctions and penalties for nonpayment of fees and assessments; make documents issued in response to subpoenas confidential and not subject to open records; amend KRS 12.020 to add the Office of the Reclamation Guaranty Fund; amend KRS 350.595 to add the Reclamation Guaranty fund and delete references to the former voluntary bond pool; amend KRS 350.990 to send 50 percent of recovered funds to the reclamation guaranty fund rather than the voluntary bond pool; repeal the following KRS sections: 350.700, 350.705, 350.710, 350.720, 350.725, 350.730, 350.740, 350.745, 350.750, and 350.755; add noncodified section to wind up operations of the Kentucky Reclamation Guaranty Fund; add noncodified section to declare an emergency.
[SCA \(1\)/Title, J. Carpenter](#) - Make title amendment.

[SFA \(1\)](#), D. Seum) - Insert provision amending KRS 258.095 to alter the definition of who qualifies as the owner of a dog to include persons permitting the dog to remain on or about premises owned and occupied by the person.
[SFA \(2\)/Title, D. Seum](#) - Make title amendment.

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 97-0
Feb 12-received in Senate
Feb 14-to Licensing, Occupations, & Administrative Regulations (S)
Mar 5-reported favorably, 1st reading, to Consent Calendar
Mar 6-2nd reading, to Rules
Mar 7-floor amendments (1) and (2-title) filed ; taken from Rules; recommitted to Natural Resources & Energy (S); reported favorably, to Rules with Committee Substitute, committee amendment (1-title) as a Consent Bill; posted for passage in the Consent Orders of the Day for Thursday, March 7, 2013; 3rd reading, passed 38-0 with Committee Substitute, committee amendment (1-title)
Mar 11-received in House; posted for passage for concurrence in Senate Committee Substitute, committee amendment (1-title) ; House concurred in Senate Committee Substitute, committee amendment (1-title) ; passed 98-0
Mar 12-enrolled, signed by each presiding officer; delivered to Governor

Lexington

1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville

1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax

