



**Kentucky Legislative Report
February 27, 2015 - Regular Session Update
Smith Management Group Government Solutions
Prepared by
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Scott's Thoughts

This session is rapidly coming to a close. March 5 is the last regular day of the session. Concurrence, where the House and Senate meet to try to settle differences on bills that have passed both houses but have some differences in approach is to take place Friday March 6 and Monday March 9. Work will continue through that weekend. Veto days run from March 10 through March 20. The Legislature has reserved two days at the end of the session to override vetos. The last day of the session is scheduled for March 24 providing the snow gods smile on us.

As of Friday, the Senate had passed 42 bills and the House had passed 75. No bills have passed both chambers, however, SB 186 and HB 386 are companion bills that have passed their respective chambers. These Bills, called the "Kentucky Oil and Gas Regulatory Modernization Act" make significant reforms to Kentucky's regulation of the Oil and Gas industry and are the result of negotiations of all affected parties. You may have also heard about the "beer bill" ([HB 168](#)), which seems to be the most talked about issue of the current legislative session so far. This bill has passed the House this week 67-31. Also, the Public Private Partnership or P3 bill ([HB 443](#)) has been approved by the House. The bill, which has been one of Governor Beshear's priority issues, is now waiting to be heard in the State Senate, where it passed last year. This bill is closely watched by those in Northern Kentucky and other communities because it will make obtaining funding for infrastructure and construction projects easier.

I would assume that the hazardous waste management fund will be renewed through June 2024 with companion Bills in the House and Senate both of which seem to be moving.

Representative Tim Couch, in perhaps one of the sessions more interesting moves, amended HB 131 that related to surface mining practices to, "Delete all sections of the bill and replace with requirement for the United States Environmental Protection Agency to appear before Congress".

As an environmental consulting and engineering firm, we include only bills relating to the areas of environmental or energy related issues. Those bills of interest in are included this report.

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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Energy/Utilities

[HB 100/FN - J. Kay](#)

AN ACT relating to energy project assessment districts or EPAD. Create new sections of KRS Chapter 65 to allow local governments to establish energy project assessment district programs in order to advance the efficient use of energy and water resources by allowing for energy projects to be financed by assessments imposed on only those properties participating in a program; define terms; establish the basic required parameters of a program; allow local governments to impose assessments on participating properties and provide the terms for the collection of the assessments, including the grant of senior tax lien status therefor; allow local governments to issue bonds to finance a program; prohibit a local government from imposing an assessment on property under a program except upon the request of the owner of record; provide that no provision of this Act shall be interpreted to expand the statutory

powers of eminent domain belonging to a local government, state agency, or private entity; provide that a local government may only engage financing to administer a program from certain financial institutions; declare short title of the Act.

[HB 100](#) - AMENDMENTS

[HCS](#) Retain original provisions; add prohibition against use of eminent domain; permit other local departments to collect and distribute the assessment. (Prefiled by the sponsor(s).)

Jan 6-introduced in House; to Tourism Development & Energy (H)
Feb 3-posted in committee
Feb 5-reported favorably, 1st reading, to Calendar with Committee Substitute
Feb 6-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Monday, February 9, 2015
Feb 9-3rd reading, passed 66-32 with

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Committee Substitute
 Feb 10-received in Senate
 Feb 12-to Natural Resources & Energy (S)

[HB 131](#) - [J. Wayne](#), [T. Burch](#), [J. Donohue](#), [J. Jenkins](#), [M. Marzian](#), [R. Meeks](#), [T. Riner](#)

AN ACT relating to surface mining. Amend KRS 350.450 to require coal mine permittees for all types of mining practices to dispose of remaining overburden in the mined area, areas under the abandoned mine land program, or areas approved by the Energy and Environment Cabinet; require use of lifts and compacted fills; prohibit disposal of overburden in streams; amend KRS 350.440 to prohibit disposal of spoil or overburden in intermittent, perennial, and ephemeral streams or other waters of the Commonwealth; prescribe areas where spoil may be disposed of; amend KRS 350.410 to make internal reference corrections and specify that restoration to approximate original contour includes configuration and elevation of the area prior to mining; require disposal of remaining overburden in the mined area, areas under the abandoned mine land program, or areas approved by the cabinet, and the use of lifts and compacted fills; prohibit depositing overburden in streams.

[HB 131](#) – AMENDMENTS

[HFA \(1, T. Couch\)](#) - Delete all sections of the bill and replace with requirement for United States Environmental Protection Agency to appear before Congress; create a popular name.

Jan 6-introduced in House
 Jan 8-to Natural Resources & Environment (H)
 Feb 12-floor amendment (1) filed

[HB 196](#) - [B. Yonts](#)

AN ACT relating to state lands and buildings. Amend KRS 56.777 to add a representative of the Kentucky Ready Mixed Concrete Association to the High-Performance Buildings Advisory Committee.

[HB 196](#) - AMENDMENTS

[HCA \(1, L. Combs\)](#) - Retain original provisions of the bill; add the Plant Mix Asphalt Industry of Kentucky to the High-Performance Buildings Advisory Committee.

[HFA \(1, S. Santoro\)](#) - Amend KRS 227.450 to define "alteration," "commissioner," "division," "electrical system," and "repair"; authorize a local government to issue an electrical permit to a certified low voltage installer; amend KRS 227.491 to require an electrical inspector to verify licensure on projects in his jurisdiction and to report violations to department within 10 days of discovery; amend KRS 227.530 to include on the Electrical Advisory Committee one electrical inspector contracted to conduct inspections of electrical installations and the commissioner of the Department of HBC, or his designee; amend KRS 227A.010 to define "electrical system" and "repair."

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

Feb 3-introduced in House
 Feb 5-to State Government (H)
 Feb 10-posted in committee
 Feb 12-reported favorably, 1st reading, to Calendar with committee amendment (1)
 Feb 13-2nd reading, to Rules
 Feb 23-posted for passage in the Regular Orders of the Day for Tuesday, February 24, 2015
 Feb 24-floor amendments (1) and (2-title) filed

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Feb 25-3rd reading, passed 96-0 with committee amendment (1), floor amendments (1) and (2)-title
Feb 26-received in Senate

[HB 290 - J. Gooch Jr.](#)

AN ACT relating to municipal electric authorities. Create new sections of KRS Chapter 96 which permit municipal utilities to join together to buy and sell electricity and natural gas; specify elements of an agreement to create a municipal electric authority; determine what powers an authority will have, including the power to undertake projects, bonding and other borrowing power; specify limits to financial transactions; amend KRS 45A.365 and 424.260 to conform.

Feb 4-introduced in House
Feb 5-to Tourism Development & Energy (H)
Feb 10-posted in committee

[HB 349 - R. Adkins](#)

AN ACT relating to energy efficiency credits. Amend KRS 141.436 to extend the energy efficiency tax credits to taxable periods beginning before January 1, 2023; amend KRS 141.437 to extend the ENERGY STAR home and ENERGY STAR manufactured home tax credit to taxable periods beginning before January 1, 2023.

Feb 6-introduced in House
Feb 9-to Tourism Development & Energy (H)
Feb 10-reassigned to Appropriations & Revenue (H)

[HB 386/LM - R. Adkins, J. Gooch Jr.](#)

AN ACT relating to oil and gas production and reclamation. Create new sections of KRS 353.500 to 353.720 to require notice and

method of notice of high-volume horizontal fracturing; require baseline water quality testing and exemption from requirements; require information disclosures to the cabinet for a vendor or service provider conducting high volume horizontal fracturing treatments; create an exemption for disclosure of trade secrets; require vendors to provide information to chemical disclosure registry unless protected by trade secret status and provide method for claiming trade secret status; require release by director or vendor to health professionals under specified conditions and with confidentiality agreement; require release by director to deal with emergency spill or discharge and require nondisclosure of information further and with specific procedure; provide that information disclosed not be deemed publicly available or a waiver of trade secret claim; require notification to parties by the cabinet if the cabinet receives a request for chemicals under the Open Records Act and provide a procedure for notification of vendors and operators who assert confidential treatment status; clarify that the review of a determination of release of information under the Open Records Act not be a part of judicial review; create the Kentucky Abandoned Storage Tank Reclamation Program and define when a tank is deemed abandoned and eligible for the program; specify the purpose of the program and create the Kentucky abandoned storage tank reclamation fund; identify the expenses that can be paid for out-of-fund moneys; allow the cabinet to contract for services and enter into agreements for services; create a right of entry to inspect or to conduct work on an abandoned storage tank; specify procedures for notice before entering lands; authorize the cabinet to recover costs for removal and remediation of an abandoned storage tank from owners or responsible parties; amend KRS

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353.180 to make internal reference corrections; amend KRS 353.510 to amend the definitions; amend 353.590 to establish permit fees for vertical deep and horizontal deep wells; establish bonds for deep wells and minimum bonds; specify how bonds will be conditioned; add blanket bonds; amend KRS 353.592 to correct internal references; amend KRS 353.5901 to require a reclamation plan rather than a proposal; clarify the contents of the reclamation plan; require review and approval of the plan prior to permit issuance; allow for a waiver of the mediation fee for a landowner with proof of a financial inability to pay; amend KRS 353.651 to regulate the drilling units of vertical deep and horizontal deep wells and the pooling for deep wells and change the 1/8 royalty to prevailing royalty and overriding royalty to 3 times the share of costs payable or charged for deep wells; amend KRS 353.652 to make technical corrections; amend KRS 353.730 and 353.737 to correct internal references; add non-codified section naming the act as the Kentucky Oil and Gas Regulatory Modernization Act.

[HB 386](#) - AMENDMENTS

[HCS](#) - Retain original provisions; delete provision requiring certification of adjacent landowners by property valuation administrators; make technical corrections.

Feb 9-introduced in House

Feb 10-to Natural Resources & Environment (H); posted in committee

Feb 23-posting waived; taken from Natural Resources & Environment (H); 1st reading; returned to Natural Resources & Environment (H)

Feb 24-reported favorably, 2nd reading, to Rules with Committee Substitute as Consent

Bill; posted for passage in the Regular Orders of the Day for Wednesday, February 25, 2015
Feb 25-3rd reading, passed 96-0 with Committee Substitute
Feb 26-received in Senate

[SB 186](#) - [J. Carroll](#)

AN ACT relating to oil and gas production and reclamation. Create new sections of KRS 353.500 to 353.720 to require notice and method of notice of high-volume horizontal fracturing; require baseline water quality testing and exemption from requirements; require information disclosures to the cabinet for a vendor or service provider conducting high-volume horizontal fracturing treatments; create an exemption for disclosure of trade secrets; require vendors to provide information to chemical disclosure registry unless protected by trade secret status and provide method for claiming trade secret status; require release by director or vendor to health professionals under specified conditions and with confidentiality agreement; require release by director to deal with emergency spill or discharge and require nondisclosure of information further and with specific procedure; provide that information disclosed not be deemed publicly available or a waiver of trade secret claim; require notification to parties by the cabinet if the cabinet receives a request for chemicals under the Open Records Act and provide a procedure for notification of vendors and operators who assert confidential treatment status; clarify that the review of a determination of release of information under the Open Records Act not be a part of judicial review; create the Kentucky Abandoned Storage Tank Reclamation Program and define when a tank is deemed abandoned and eligible for the program; specify the purpose of the program and create the

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Kentucky abandoned storage tank reclamation fund; identify the expenses that can be paid for out-of-fund moneys; allow the cabinet to contract for services and enter into agreements for services; create a right of entry to inspect or to conduct work on an abandoned storage tank; specify procedures for notice before entering lands; authorize the cabinet to recover costs for removal and remediation of an abandoned storage tank from owners or responsible parties; amend KRS 353.180 to make internal reference corrections; amend KRS 353.510 to amend the definitions; amend KRS 353.590 to establish permit fees for vertical deep and horizontal deep wells; establish bonds for deep wells and minimum bonds; specify how bonds will be conditioned; add blanket bonds; amend KRS 353.592 to correct internal references; amend KRS 353.5901 to require a reclamation plan rather than a proposal; clarify the contents of the reclamation plan; require review and approval of the plan prior to permit issuance; allow for a waiver of the mediation fee for a landowner with proof of a financial inability to pay; amend KRS 353.651 to regulate the drilling units of vertical deep and horizontal deep wells and the pooling for deep wells and change the 1/8 royalty to prevailing royalty and overriding royalty to 3 times the share of costs payable or charged for deep wells; amend KRS 353.652 to make technical corrections; amend KRS 353.730 and 353.737 to correct internal references; add non-codified section naming the act as the Kentucky Oil and Gas Regulatory Modernization Act.

SB 186 – AMENDMENTS

SCS - Retain original provisions, except delete requirement for PVA to certify landowners for

purposes of giving notice; make technical corrections.

Feb 13-introduced in Senate

Feb 19-taken from Committee on Committees (S); 1st reading; returned to Committee on Committees (S); to Natural Resources & Energy (S)

Feb 25-reported favorably, 2nd reading, to Rules with Committee Substitute

Feb 26-posted for passage in the Regular Orders of the Day for Thursday, February 26, 2015; 3rd reading, passed 37-0 with Committee Substitute

SB 196 - M. McGarvey

AN ACT relating to net metering. Amend KRS 278.465 to include rental and leasing arrangements in the definition of "eligible customer-generator" and increase the allowable size of eligible electric generating facilities from 30 kilowatts to 1000 kilowatts; amend KRS 278.466 to exclude rental and leasing arrangements from PSC regulation and exclude service furnished by eligible customer-generators from the definition of retail electric service; allow retail electric suppliers to recover certain costs from net meter customers; existing net meter customers grandfathered in; net meter customers may only use self-generation offsets generated during an hour to offset electricity purchased in that hour.

Feb 13-introduced in Senate

Feb 19-to Natural Resources & Energy (S)

HB 543/LM - J. Gooch Jr.

AN ACT relating to surface coal mining. Amend KRS 350.020 to delete provision related to exemptions for local ordinances that regulate surface mining operations.

HB 543 - AMENDMENTS

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[HCA \(1, J. Gooch Jr.\)](#) - Grandfather bonds and permits of companies subjected to any coal mining regulations that were adopted prior to 1988 that were in a planning and zoning ordinance.

Feb 23-introduced in House
 Feb 24-to Natural Resources & Environment (H); taken from Natural Resources & Environment (H); 1st reading; returned to Natural Resources & Environment (H); posted in committee
 Feb 26-reported favorably, 2nd reading, to Rules with committee amendment (1) as a Consent Bill; posted for passage in the Consent Orders of the Day for Monday, March 2, 2015; taken from the Consent Orders of the Day, placed in the Regular Orders of the Day for Friday, February 27, 2015

Waste

[SB 80](#) - [E. Harris](#)

AN ACT relating to the hazardous waste management fund and making an appropriation therefore. Amend KRS 224.46-580 to extend the levy of the hazardous waste management assessment until June 30, 2024.

Jan 9-introduced in Senate
 Feb 3-to Appropriations & Revenue (S)

[SB 90](#) - [D. Carroll](#)

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.

[SB 90](#) - AMENDMENTS

[SCS](#) - Retain most original provisions, except amend KRS 278.600 to add definitions of "low-level nuclear waste" and "mixed nuclear waste"; amend KRS 278.610 to allow certification if the facility and its plans for waste storage are NRC approved; eliminate requirement that facility have a plan for disposal of high level nuclear waste; eliminate requirement that cost of waste disposal be known; eliminate requirement that facility have adequate capacity to contain waste; give PSC authority to hire consultant to perform duties relating to nuclear facility certification; prohibit construction of low-level nuclear waste disposal sites in Kentucky except as provided in KRS 211.852; direct the cabinet to review regulations required for permitting nuclear facilities and report to LRC.

Feb 3-introduced in Senate
 Feb 5-to Natural Resources & Energy (S)
 Feb 25-reported favorably, 1st reading, to Calendar with Committee Substitute

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Feb 26-2nd reading, to Rules

[HB 417 - J. Gooch Jr.](#)

AN ACT relating to the hazardous waste management fund. Amend KRS 224.46-580 to extend the levy of the hazardous waste management assessment until June 30, 2024.

Feb 10-introduced in House

Feb 11-to Natural Resources & Environment (H)

Feb 23-posting waived; taken from Natural Resources & Environment (H); 1st reading; returned to Natural Resources & Environment (H); posted in committee

Feb 24-reported favorably, 2nd reading, to Rules as a Consent Bill; posted for passage in the Consent Orders of the Day for Thursday, February 26, 2015; taken from the Consent Orders of the Day, placed in the Regular Orders of the Day

Feb 25-3rd reading, passed 97-0

Feb 26-received in Senate

[HJR 124/LM - M. Marzian](#)

Direct the Energy and Environment Cabinet to impose a moratorium on grants issued under the waste tire program that was established to promote the use of the materials due to recycled tires potential threat to the health and human safety of the citizens of the Commonwealth.

Feb 9-introduced in House

Feb 10-to Natural Resources & Environment (H)

[SB 180/LM - R. Webb](#)

AN ACT relating to solid waste. Create new sections to prescribe requirements for the transportation of municipal solid waste so as to prevent leaks, emissions, and access to the wastes by pests; prohibit a transfer station or

waste disposal facility from receiving wastes not transported in compliance with the no-leak provisions; require the Energy and Environment Cabinet to study wastes containing hydrogen sulfides to limit and control odors and emissions from landfills; require the cabinet to issue a report or update as a part of the annual solid waste report to the LRC and the Governor; amend KRS 224.43-105 to grant authority to the cabinet to modify, revoke, abate and control for odor or if there are three or more violations at a landfill and to condition permits as to acceptance of wastes containing hydrogen sulfides; amend KRS 224.43-335 to require the manifest accompanying the solid waste to describe the type of waste including wastes containing hydrogen sulfides and require that the waste be transported in compliance with leak-proof containment of the wastes.

Feb 13-introduced in Senate

Feb 19-to Natural Resources & Energy (S)

Other

[HB 93/FN/LM - J. Kay, B. Yonts](#)

AN ACT relating to rare plant protection. Create new sections of KRS Chapter 146 to establish an endangered and threatened plant species list to be maintained by the Kentucky State Nature Preserves commission; prohibit the taking or possession of an endangered and threatened plant species without written permission of the owner, lessee, or other person entitled to possession; authorize the Kentucky State Nature Preserves Commission to promulgate regulations to establish a list, regulate the sale, the protection, and the taking of the plant species and exempt taking of species for certain purposes and circumstances; require persons that sell endangered or threatened plant

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species to be registered with the commission; require certification of propagators; require inspection of nurseries and propagators if the facility sells or propagates endangered or threatened species; require state agencies to avoid activities that will jeopardize the existence of an endangered or threatened species; exempt location of endangered and threatened species from Open Records Act; amend KRS 146.605 to create definitions; amend KRS 146.990 to create a civil penalty of \$500 per violation per day for as long as offense continues and allow State Nature Preserves Commission to stop the person from continuing the activity.

HB 93 – AMENDMENTS

HCS - Retain original provisions of HB 93; create a section to exempt units of local government and municipal utilities from all provisions of the bill.

HFA (1, B. Rowland) - Exempt the Kentucky Transportation cabinet from the provisions of the bill.

HFA (2, B. Rowland) - Create a new section of KRS Chapter 149 to exempt local government, municipal utilities, and the Kentucky Transportation Cabinet from the provisions of the bill.

HFA (3, B. Rowland) - Create a new section of KRS Chapter 146 to exempt local government, all public utilities, certain special districts, and the Kentucky Transportation Cabinet from the provisions of the bill.

HFA (4, B. Rowland) - Create a new section of KRS Chapter 146 to exempt local government,

all public utilities, certain special districts, and the Kentucky Transportation Cabinet from the provisions of the bill.

Jan 6-introduced in House; to Agriculture & Small Business (H)

Feb 3-posting waived

Feb 4-reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 5-2nd reading, to Rules; taken from Rules; placed in the Orders of the Day

Feb 13-floor amendment (1) filed to Committee Substitute, floor amendment (2) filed to the bill

Feb 23-floor amendment (4) filed to Committee Substitute, floor amendment (3) filed

[SB 92 - J. Bowen](#)

AN ACT relating to timber harvesting. Amend KRS 149.330 to change the definition of "person" to include any natural person or director, officer, or agent of a business organization; amend KRS 149.344 to require loggers or operators who have received bad actor designations to provide prior notice to the division before engaging in any timber harvesting operations until they have paid all civil penalties and performed all required site remediation; require the cabinet to promulgate administrative regulations setting forth the form and manner of the prior notice; beginning on January 1, 2016, require the cabinet to issue an emergency order requiring any third-time bad actor to cease all timber harvesting operations until all required site remediation has been performed and all civil penalties have been paid or a repayment plan has been established and maintained; specify that all bad actor designations, including those issued prior to the effective date of the Act, be included in determining the applicability of KRS 149.344 to a logger or operator; amend KRS 149.346 to

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require the cabinet to serve notice to a logger or operator of evidence of a violation of the reporting requirements and provide for an administrative hearing to answer the charges; amend KRS 149.348 to establish penalties for violation of the reporting requirements; provide that directors, officers, and agents of operators or loggers doing business as certain business organizations shall be personally liable for the civil penalties incurred by the operators or loggers; make technical corrections.

Feb 3-introduced in Senate

Feb 5-to Natural Resources & Energy (S)

Feb 25-reported favorably, 1st reading, to Consent Calendar

Feb 26-2nd reading, to Rules

[HB 276 - T. McKee](#)

AN ACT relating to wastewater. Amend KRS 224A.111 governing loans made by the Kentucky Infrastructure authority using the federally assisted wastewater fund to provide for a 30 year payback and to commence principal and interest payments on the loan no later than one year after initiation of operations.

Feb 4-introduced in House

Feb 5-to Local Government (H)

Feb 9-posted in committee

Feb 11-reported favorably, 1st reading, to Consent Calendar

Feb 12-2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 17, 2015; taken from the Consent Orders of the Day, placed in the Regular Orders of the Day for Friday, February 13, 2015

Feb 23-3rd reading, passed 95-2

Feb 24-received in Senate

Feb 26-to Natural Resources & Energy (S)

[HB 430 - T. Riner](#)

AN ACT relating to public protection. Declare legislative findings; create a new section of KRS Chapter 217 to prohibit manufacturers, wholesalers, and retailers from manufacturing, selling, or distributing food or beverage containers for children under the age of 3 that contain bisphenol A (BPA); require manufacturers to notify sellers about this provision 90 days prior to the effective date; and require manufacturers to recall products containing BPA and reimburse retailers and purchasers.

Feb 11-introduced in House

Feb 12-to Health & Welfare (H)

Feb 23-posted in committee

[HB 443 - L. Combs, S. Overly, R. Adkins, J. Bell, H. Collins, R. Palumbo, R. Rand, J. Richards, G. Stumbo, T. Thompson](#)

AN ACT relating to public-private partnerships and declaring an emergency. Amend KRS 45A.030 and 45A.075 and create a new section of KRS Chapter 45A to provide an explicit framework for the use of public-private partnerships (P3s) as an alternative method of procurement, construction, or financing of capital projects and services by state government; define terms and establish procurement procedures; establish certain oversight and General Assembly authorization requirements; amend KRS 175B.005, 175B.010, 175B.020, 175B.025, 175B.030, 175B.035, 175B.040, 175B.045 and 175B.095 and create a new section of KRS Chapter 175B to provide for the use of P3 procurement pursuant to that chapter as an alternative method for developing and financing major transportation projects; define terms and amend the definition of a

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transportation project to align with current federal usage; make numerous conforming changes; provide that the provisions of this Act relating to state government P3 procurement shall apply only to projects initially undertaken on or after the effective date of this Act; EMERGENCY.

[HB 443](#) - AMENDMENTS

[HFA \(1, J. Fischer\)](#) - Remove requirements to comply with prevailing wage law.

[HFA \(2, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio, require an additional, independent cost-benefit analysis to determine if any proposed use of a public-private partnership is in the best interests of the public.

[HFA \(3, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio utilizing a public-private partnership, require an additional, independent evaluation of likely traffic diversions that will result from the project, as well as the cost of infrastructure upgrades necessary to accommodate the diversions and a funding mechanism to make the upgrades.

[HFA \(4, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio, prohibit any form of non-compete clause from being included in any public-private partnership agreement.

[HFA \(5, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio, prior to submitting a proposed public-private partnership in connection with the project to the General Assembly for authorization thereof,

require that the proposal to use a public-private partnership first be approved by the governing body of the local government in which the project is located.

[HFA \(6, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio utilizing a public-private partnership, require that all risks associated with project cost overruns and construction delays be borne by the private partners to the public-private partnership agreement.

[HFA \(7, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio utilizing a public-private partnership, require that any and all tolls imposed as part of the project expire upon the repayment of the initial construction debt.

[HFA \(8, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio utilizing a public-private partnership, require that the total, ultimate construction cost of each portion of the project lying entirely within each separate state, that is not borne by the federal government, shall be borne entirely by the relevant state, and that the cost of the bridge itself shall be borne equally by the Commonwealth and by the State of Ohio.

[HFA \(9, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio utilizing a public-private partnership, in which tolls are imposed, provide that the Commonwealth will not incur any risk or liability related to actual traffic volume and toll revenue.

[HFA \(10, A. Simpson\)](#) - In the case of a project connecting Kentucky with Ohio, require that the maximum term of any concession agreement or

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provision, of any public-private partnership relating to the project, be limited to 35 years.

[HFA \(11, A. Simpson\)](#) - Prohibit the use of tolls on any interstate project that connects Kentucky to Ohio.

[HFA \(12, J. Fischer\)](#) - Remove requirements to comply with prevailing wage law.

[HFA \(13, A. Simpson\)](#) - Provide that for a project undertaken pursuant to KRS Chapter 175B, which connects the Commonwealth with any adjoining state, a bi-state authority shall construct and finance the project and only the bi-state authority may enter into a public-private partnership as part of the project; make various conforming amendments.

[HFA \(14, A. Simpson\)](#) - In the case of any project proposed under KRS Chapter 175B that exceeds \$100 million in total cost, require an additional, independent cost-benefit analysis to determine if any proposed use of a public-private partnership is in the best interests of the public.

[HFA \(15, A. Simpson\)](#) - In the case of any project proposed under KRS Chapter 175B that exceeds \$100 million in total cost and which utilizes a public-private partnership, require an additional, independent evaluation of likely traffic diversions that will result from the project, as well as the cost of infrastructure upgrades necessary to accommodate the diversions and a funding mechanism to make the upgrades.

[HFA \(16, A. Simpson\)](#) - In the case of any project proposed under KRS Chapter 175B that exceeds \$100 million in total cost, prohibit any form of non-compete clause from being included in any

public-private partnership agreement.

[HFA \(17, A. Simpson\)](#) - In the case of any project proposed under KRS Chapter 175B that exceeds \$100 million in total cost, and which is utilizing a public-private partnership, require that any and all tolls imposed as part of the project expire upon the repayment of the initial construction debt.

[HFA \(18, A. Simpson\)](#) - In the case of any project proposed under KRS Chapter 175B that exceeds \$100 million in total cost, require that the maximum term of any concession agreement or provision, of any public-private partnership relating to the project, be limited to 40 years.

[HFA \(19, L. Combs\)](#) - Make technical changes to clarify definitions.

Feb 12-introduced in House

Feb 13-taken from Committee on Committees (H); 1st reading; returned to Committee on Committees (H); to Appropriations & Revenue (H); posting waived; posted in committee

Feb 23-floor amendment (12) filed to Committee Substitute, floor amendments (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) and (11) filed; taken from Appropriations & Revenue (H); 2nd reading; returned to Appropriations & Revenue (H)

Feb 24-reported favorably, to Rules; posted for passage in the Regular Orders of the Day for Wednesday, February 25, 2015; floor amendments (13) (14) (15) (16) (17) (18) and (19) filed

Feb 25-floor amendments (2) (3) (4) (5) (6) (7) (8) (9) and (10) withdrawn ; 3rd reading; floor amendments (11) (15) and (16) defeated; passed 84-13 with floor amendments (13) (14) and (17)

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Feb 26-received in Senate

[SB 178 - W. Westerfield](#)

AN ACT relating to venue in civil actions including the Commonwealth and its agencies. Amend various sections of the Kentucky Revised Statutes relating to Franklin Circuit Court to modify standards for venue and jurisdiction in actions and give concurrent jurisdiction to other Circuit Courts in the Commonwealth.

Feb 13-introduced in Senate

Feb 19-to Judiciary (S)

[SB 203 - J. Schickel](#)

AN ACT relating to stream restoration and mitigation funds and making an appropriation therefore. Amend KRS 150.255 to require that 25% of in-lieu fees contributed to the Kentucky Wetland and Stream Mitigation Fund be allocated solely for use on infrastructure projects; define "infrastructure project"; amend KRS 151.611 to require that 25% of moneys received into a Stream Restoration and Mitigation Authority's in-lieu fund be allocated to infrastructure projects; define "infrastructure project."

Feb 13-introduced in Senate

Feb 19-to Natural Resources & Energy (S)

[HB 472 - D. Butler](#)

AN ACT relating to sustainability in state shipping. Create a new section of KRS Chapter 45A to require the Finance and Administration Cabinet to develop a sustainability program for state shipping procurement in consultation with the Department for Environmental Protection; require state shipping providers to make an energy use report to the Finance and Administration Cabinet by January 1st of each

year; require shipping procurements by state agencies to include consideration of sustainability measures; and require the Finance and Administration Cabinet to promulgate administrative regulations to specify how state agencies shall give appropriate weight to these sustainability requirements.

Feb 13-introduced in House

Feb 23-to State Government (H)

Feb 24-posted in committee

[HB 523 - J. Kay](#)

AN ACT relating to tax credits promoting land conservation. Create a new section of KRS Chapter 141 to establish a qualified conservation contribution income tax credit; amend KRS 141.0205 to provide for the ordering of the credit; amend KRS 146.560 to include the Kentucky Heritage Land Conservation Fund Board in the evaluation of applications; amend KRS 262.908 to include the PACE board in the evaluation of applications.

Feb 23-introduced in House

Feb 24-to Appropriations & Revenue (H)

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