



**Kentucky Legislative Report
February 26, 2016 - Regular Session Update**

**Prepared by
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Scott's Thoughts

More legislation was filed this week probably due to the fact that the last day for new House bills is February 29 and the last day for new Senate bills is March 2. It's always good to get passed those dates because you know the obvious legislation that you have to deal with. Following those dates, however, it's important to be vigilant about the amendment of existing Bills that could impact your interests.

Legislation that appears to be moving this week included [HB 187](#): Reauthorization of the Underground Storage Tank Fund and [SB 188](#) relating to stratigraphic test wells. The term "stratigraphic test well" (STW) will be added to definitions found in [KRS 353.510](#); the Bill would also require a permit before drilling a STW and delete test holes from permitting requirements. Plugging requirements will be imposed, the well will be permitted as oil and gas well prior to production. The Bill would also delete the confidentiality requirements on test holes. Persons applying for a permit for a STW be granted a 3 year confidentiality period for all drilling records and subject well records, surveys and other logs.

An interesting idea relating to Carbon Dioxide emissions is [HB 461](#) which addresses the allocation of 10% of carbon emissions allocated to the Commonwealth to certain counties, establish a criteria by which counties with a coal fired electric generating unit that retires after 2010 and before 2026 shall receive a percentage of the emission allowances and require that 50% of the emission allowances allocated to the utilities be returned to their ratepayers and if utilities sell the allowances, that all proceeds of the sale be returned to the ratepayers.

[HB 160](#) relating to the safe disposal of hypodermic needles and medical waste passed the House 95-0 on February 10 and has been assigned to the Senate Health & Welfare Committee.

Drones are on the minds of Legislators. [HB 445](#) would prohibit the use of a drone to collect evidence or information about critical infrastructure without prior written consent. [HB 120](#) is broader legislation that defines numerous unlawful uses of drones. This Bill passed the House and has been sent to the Senate for consideration.

Outdoor enthusiasts will be happy to know that [HB 38](#) seeks to have the state set standards for the use and operation of aerial recreational facilities. Currently the Kentucky Department of Agriculture regulates these apparatuses.

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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<u>Contents</u>	
Energy/Utilities.....	3
Waste.....	6
Other	8

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Energy/Utilities**[HB103 - G. Watkins K. Imes](#)**

AN ACT relating to nuclear power.
Amend KRS 278.605 to allow construction of a nuclear power facility on or within 50 miles of a site previously used for the manufacture of nuclear products.

Dec 09, 2015 - Prefiled by the sponsor(s).
Jan 05, 2016 - introduced in House; to Tourism Development & Energy (H)

[HB104 - J. Gooch Jr. L. Bechler, T. Couch, K. Imes, J. Tipton](#)

AN ACT relating to state authority to regulate air quality.
Amend KRS 224.20-125 to prohibit the Energy and Environment Cabinet from promulgating administrative regulations or imposing permit conditions to reduce carbon dioxide under federal rules or federal plan unless authorized by either the Kentucky General Assembly or if carbon dioxide is designated by the United States Congress as a criteria pollutant under the Clean Air Act; declare Kentucky a sanctuary state from over-reaching regulatory authority of the United States Environmental Protection Agency to implement carbon dioxide limits under the Clean Power Plan.

Dec 09, 2015 - Prefiled by the sponsor(s).
Jan 05, 2016 - introduced in House; to Natural Resources & Environment (H)

[HB136 - B. Rowland M. Meredith, J. Tipton](#)

AN ACT relating to energy efficiency tax credits.
Amend KRS 141.435 and 141.436 to extend the energy efficiency tax credits for taxable years beginning on or after January 1, 2016, but no later than January 1, 2020, in the case of property used as on-farm poultry or livestock raising facilities.

Dec 10, 2015 - Prefiled by the sponsor(s).
Jan 05, 2016 - introduced in House; to Appropriations & Revenue (H)

[HB152 - J. Wayne](#)

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.

Dec 11, 2015 - Prefiled by the sponsor(s).
Jan 05, 2016 - introduced in House; to Natural Resources & Environment (H)

[HB240 - D. Floyd](#)

AN ACT relating to public safety and making an appropriation therefor.
Create new sections of Subchapter 10 of KRS Chapter 224 to define terms; establish the Kentucky pipeline safety fund; specify the distribution of funds in the Kentucky pipeline safety fund; establish a pipeline spill response plan program within the Department for Environmental Protection; create new sections of KRS Chapter 278 to establish definitions; establish procedures for the Public Service Commission to gather information to provide to the Department of Revenue for the pipeline safety assessment; require the Public Service Commission to seek certain federal pipeline certifications; create new sections of KRS Chapter 136 to define terms; establish the Kentucky pipeline safety assessment; allow for the extension of the assessment due date; establish the powers of the

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Department of Revenue with respect to collection of the assessment; establish procedures for late payment and interest; establish corporate liability for the assessment; allow payment of security for assessment; require cooperation by various agencies; specify that "pipeline operator" does not include Public Service Commission regulated utilities or municipally owned utilities; specify that pipeline disaster preparedness plans shall be available for 45 days for public comment; specify that pipeline disaster preparedness plans contain evacuation plans, maintenance and use history for pipelines, and temporary plans for replacement of water supplies and other utilities in a disaster area.

Jan 13, 2016 - introduced in House

Jan 14, 2016 - to Veterans, Military Affairs, & Public Safety (H)

[HB291 - J. Gooch Jr., T. Couch](#)

AN ACT relating to energy and declaring an emergency.

Amend KRS 278.183 to prohibit utilities from recovering costs of complying with environmental requirements of the Federal Clean Air Act until compliance is required; apply this provision retroactively; EMERGENCY.

Jan 21, 2016 - introduced in House

Jan 25, 2016 - to Natural Resources & Environment (H)

[HB339 - M. Marzian, A. Simpson](#)

AN ACT relating to economic development.

Create new sections of KRS Chapters 278 to require retail electric suppliers to use increasing amounts of renewable energy; require retail electric suppliers to take energy-efficiency measures and implement energy-efficiency programs that increase energy savings over a period of time; provide for alternative compliance plans for public utilities who fail to meet renewable energy or efficiency requirements; define renewable energy; specify reporting requirements to the Public Service Commission regarding progress in diversifying energy sources and energy savings; require the

Public Service Commission to develop tariff guidelines for purchase of renewable power.

Feb 04, 2016 - introduced in House

Feb 08, 2016 - to Tourism Development & Energy (H)

[HB440 - R. Smart, J. Bell](#)

AN ACT relating to pipelines.

Prohibit changing the substance carried or the direction of flow of a pipeline.

Feb 19, 2016 - introduced in House

Feb 22, 2016 - to Natural Resources & Environment (H)

[HB446 - K. Sinnette, F. Steele](#)

AN ACT relating to utility franchises.

Amend KRS 96.010 to allow cities to deny utility franchisees the ability to recover from ratepayers the franchise fee by adding a fee or surcharge to the bill.

Feb 19, 2016 - introduced in House

Feb 22, 2016 - to Natural Resources & Environment (H)

[HB449 - T. Riner](#)

AN ACT relating to waste-to-energy facilities.

Amend KRS 224.40-310 to require the cabinet to promulgate administrative regulations on waste-to-energy facilities to take effect by January 1, 2017; prohibit the cabinet from approving a permit for a waste-to-energy facility that is or will be located within a certain distance of a school, hospital, place of worship, or residential property; allow the cabinet to promulgate administrative regulations establishing additional minimum setback distances for waste-to-energy facilities from other dangerous or vulnerable locations; exempt waste-to-energy facilities located on landfills, wastewater treatment facilities, and agricultural property from the minimum setback requirements; define "waste-to-energy facility" for the purposes of the subsection.

Feb 19, 2016 - introduced in House

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Feb 22, 2016 - to Tourism Development & Energy
(H)

[HB461](#) - [J. Short](#), [F. Steele](#), [R. Adkins](#), [C. Harris](#), [K. Sinnette](#)

AN ACT relating the electric generating units.
Create a new section of subchapter 20 of KRS Chapter 224 to allocate ten percent of carbon dioxide emissions allocated to the Commonwealth of Kentucky under 42 U.S.C. sec. 7411 (the Clean Air Act) to certain counties; establish the criteria by which counties with a coal-fired electric generating unit that retires after 2010 and before 2026 shall receive a percentage of the emission allowances; require that 50 percent of the emission allowances allocated to the utilities in the Commonwealth be returned to their ratepayers if their allowances equal their emissions; require that if the utilities sell the allowances that all proceeds of the sale be returned to the ratepayers.

Feb 22, 2016 - introduced in House
Feb 23, 2016 - to Tourism Development & Energy
(H)

[HB503](#) - [K. Flood](#), [R. Palumbo](#), [L. Combs](#), [S. Miles](#), [S. Overly](#), [K. Upchurch](#), [S. Westrom](#)

AN ACT relating to high-volume large-diameter fans.
Create a new section of KRS Chapter 198B to define "high-volume large-diameter fan" and require standards for high-volume large-diameter fan testing, labelling, and installation.

Feb 25, 2016 - introduced in House

[SB188](#) - [J. Carpenter](#)

AN ACT relating to oil and gas well sites.
Amend KRS 353.510 to add a definition for "stratigraphic test well"; amend KRS 353.570 to require a permit before drilling a stratigraphic test well and delete test holes from permitting requirement; amend KRS 353.590 to subject a permitted stratigraphic test well to various sections of KRS Chapter 353 for regulatory purposes and to impose plugging requirements; require stratigraphic

test wells to be permitted as oil and gas wells prior to producing oil or gas and deviating from true vertical; and impose stratigraphic test wells converted to oil and gas wells to regulatory requirements of KRS 353.590 and 353.660 once the permit terminates; delete confidentiality requirements on test holes; amend KRS 353.660 to change termination of operations to completion of drilling; require that persons applying for a permit for a stratigraphic test well be granted a 3-year confidentiality period for all drilling records and subject well records, surveys and other logs on stratigraphic wells to confidentiality requirements; delete references to test holes.

[SB188](#) - AMENDMENTS

[SCS1](#) - Make technical corrections to delete references to termination of operations and completion of drilling as technical change.

Feb 16, 2016 - introduced in Senate
Feb 18, 2016 - to Natural Resources & Energy (S)
Feb 24, 2016 - reported favorably, 1st reading, to Calendar with Committee Substitute (1)
Feb 25, 2016 - 2nd reading, to Rules

[SB190](#) - [R. Thomas](#)

AN ACT relating to economic development.
Create new sections of KRS Chapter 278 to require retail electric suppliers to use increasing amounts of renewable energy; require retail electric suppliers to take energy-efficiency measures and implement energy-efficiency programs that increase energy savings over a period of time; provide for alternative compliance plans for public utilities that fail to meet renewable energy or efficiency requirements; define renewable energy; specify reporting requirements to the Public Service Commission regarding progress in diversifying energy sources and energy savings; require the Public Service Commission to develop tariff guidelines for purchase of renewable power.

Feb 17, 2016 - introduced in Senate
Feb 19, 2016 - to Natural Resources & Energy (S)

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SB224 - B. Smith

AN ACT relating to mine safety education and training requirements and declaring an emergency.

Amend KRS 351.106 to establish an alternative method of satisfying mine foreman annual training requirements under 30 C.F.R. pt. 75; EMERGENCY.

Feb 23, 2016 - introduced in Senate

Feb 25, 2016 - to Natural Resources & Energy (S)

Waste**HB106 - R. Smart, G. Brown Jr., C. Howard, M. Rader, T. Riner**

AN ACT relating to chemical munitions disposal and declaring an emergency.

Amend KRS 224.50-130 to delete references to gaps in information on the acute and chronic health effects of exposure to compounds used in chemical munitions; require that, after the compounds in chemical munitions are treated to specific treatment or destruction values set by law or by the Energy and Environment Cabinet, the Energy and Environment Cabinet shall reclassify the residual wastes to ensure proper management and disposal; EMERGENCY.

Dec 09, 2015 - Prefiled by the sponsor(s).

Jan 05, 2016 - introduced in House; to Natural Resources & Environment (H)

Feb 02, 2016 - posted in committee

Feb 04, 2016 - reported favorably, 1st reading, to Consent Calendar

Feb 05, 2016 - 2nd reading, to Rules

Feb 08, 2016 - posted for passage in the Consent Orders of the Day for Wednesday, February 10

Feb 10, 2016 - 3rd reading, passed 95-0

Feb 11, 2016 - received in Senate

Feb 16, 2016 - to Natural Resources & Energy (S)

HB187 - B. Yonts, R. Smart, W. Stone, T. Thompson

AN ACT relating to petroleum storage tanks.

Amend KRS 224.60-142 to extend the date to participate in the petroleum storage tank fund from 2016 to 2021; amend KRS 224.60-130 to extend the date to perform corrective action using money from the petroleum storage tank account from 2019 to

2024; amend 224.60-145 to extend the date for the small operator assistance account from 2016 to 2021.

Jan 07, 2016 - introduced in House

Jan 11, 2016 - to Natural Resources & Environment (H)

Jan 14, 2016 - posted in committee

Feb 02, 2016 - posted in committee

Feb 04, 2016 - reported favorably, 1st reading, to Consent Calendar

Feb 05, 2016 - 2nd reading, to Rules

Feb 08, 2016 - posted for passage in the Consent Orders of the Day for Wednesday, February 10

Feb 10, 2016 - 3rd reading, passed 95-0

Feb 11, 2016 - received in Senate

Feb 16, 2016 - to Natural Resources & Energy (S)

HB333 - J. Jenkins, R. Rand

AN ACT relating to protection of the uses of property.

Amend KRS 224.50-760 to create a setback from residential property lines for the deposition of special wastes in a special waste landfill and for the operation of the special waste landfill; establish exemption from the setback for agreements in writing between the landfill operator and the property owner.

Feb 04, 2016 - introduced in House

Feb 08, 2016 - to Natural Resources & Environment (H)

HB402 - M. Denham

AN ACT relating to the taxation of property used as a landfill.

Create a new section of KRS Chapter 132 to require the valuation and assessment of real and tangible personal property of a municipal solid waste disposal facility be performed by the department; amend KRS 132.020 and 132.200 to provide that tangible personal property which is incorporated into a landfill facility shall be presumed to remain tangible personal property if the property is used for its intended purposes; amend KRS 136.120 to remove municipal solid waste disposal facilities from

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the list of public service companies.

Feb 12, 2016 - introduced in House
 Feb 16, 2016 - to Appropriations & Revenue (H)
 Feb 19, 2016 - posted in committee
 Feb 23, 2016 - reported favorably, 1st reading, to Consent Calendar
 Feb 24, 2016 - 2nd reading, to Rules
 Feb 25, 2016 - posted for passage in the Consent Orders of the Day for Monday, February 29, 2016

[HB421 - S. Riggs](#)

AN ACT relating to local government solid waste management.

Amend KRS 109.012 to establish definitions for "authorized company," "displace," "franchise," and "local government" and amend the definition of "solid waste management services" to include special wastes; create new section of KRS Chapter 109 to require hearing and notice for the displacement of waste haulers; amend KRS 224.43-315 to require contracts between the county and waste hauler to include nondesignated cities that it serves; amend KRS 224.43-345 to include representatives of cities on advisory committees; and amend KRS 224.50-760 to conform.

[HB421](#) - AMENDMENTS

[HCS1/LM](#) - Retain original provisions; amend the definition of "displace" or "displacement" in Section 1 to not include the renewal or replacement of an existing franchise according to its terms; add language in Section 2 that allows the public advertisement component to be met through a public advertisement used when expanding an urban service district as described in KRS 67A.150 if the remaining requirements of subsection (3) of Section 2 are otherwise met.

Feb 17, 2016 - introduced in House
 Feb 18, 2016 - to Local Government (H)
 Feb 19, 2016 - posted in committee
 Feb 24, 2016 - reported favorably, 1st reading, to Calendar with Committee Substitute (1)
 Feb 25, 2016 - 2nd reading, to Rules; posted for

passage in the Regular Orders of the Day for Friday, February 26, 2016

[HB431/LM - R. Adkins](#)

AN ACT relating to water conservation.
 Amend KRS 211.350 to define gray water and black water; allow for conservation credits for gray water systems that reduce the waste flow calculations; create a new section of KRS Chapter 211 to require the cabinet to promulgate administrative regulations to update daily waste flow charts for low water using fixtures and allow gray water conservation credits; prohibit any political subdivision from prohibiting use of gray water reductions from systems approved under permit by the cabinet.

Feb 18, 2016 - introduced in House
 Feb 22, 2016 - to Natural Resources & Environment (H)
 Feb 23, 2016 - posted in committee

[HB454/LM - S. Riggs, J. Miller](#)

AN ACT relating to local government solid waste management.

Amend KRS 109.041 to prohibit a county or waste management district from prohibiting or restricting materials recovery by a city in a county containing a consolidated local government; prohibit the consolidated local government or waste management district from hindering, delaying, impairing, prohibiting or impeding a city or its contractors from utilizing a solid waste management facility; prohibit a county or waste management district from levying a fee that is based on the composition of the solid waste stream of the city if the waste stream is in conformity with state and federal law for the use of the solid waste management facility receiving the waste; amend KRS 109.115 to provide for the mayoral appointment of a six-member board of directors of a waste management district for a county containing a consolidated local government and to restrict current appointment language to other counties; declare offices of board in county containing a consolidated local government vacant and require

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appointment of new board.

Feb 22, 2016 - introduced in House
Feb 23, 2016 - to Local Government (H)

SB111/LM - R. Webb

AN ACT relating to solid waste.

Create new sections of Subchapter 43 of KRS Chapter 224 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 224.10-105 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.

Jan 19, 2016 - introduced in Senate
Jan 21, 2016 - to Natural Resources & Energy (S)

SB119 - J. Carpenter

AN ACT relating to chemical munitions disposal and declaring an emergency.

Amend KRS 224.50-130 to delete references to gaps in information on the acute and chronic health effects of exposure to compounds used in chemical munitions; require that, after the compounds in chemical munitions are treated to specific treatment or destruction values set by law or by the Energy and Environment Cabinet, the Energy and Environment Cabinet shall reclassify the residual wastes to ensure proper management and disposal; Emergency.

Jan 21, 2016 - introduced in Senate
Jan 25, 2016 - to Natural Resources & Energy (S)
Feb 03, 2016 - reported favorably, 1st reading, to Calendar
Feb 04, 2016 - 2nd reading, to Rules
Feb 08, 2016 - posted for passage in the Regular Orders of the Day for Tuesday, February 9
Feb 09, 2016 - 3rd reading, passed 37-0
Feb 10, 2016 - received in House
Feb 11, 2016 - to Natural Resources & Environment (H)
Feb 16, 2016 - posted in committee
Feb 18, 2016 - reported favorably, 1st reading, to Consent Calendar
Feb 19, 2016 - 2nd reading, to Rules
Feb 22, 2016 - posted for passage in the Consent Orders of the Day for for Wednesday, February 24, 2016; taken from the Consent Orders of the Day; returned to Rules (H)
Feb 25, 2016 - recommitted to Natural Resources & Environment (H)

Other

HB69/LM - A. Simpson

AN ACT relating to the distribution of fuel tax revenues and declaring an emergency.

Amend KRS 177.320, regarding allocation of a portion of fuel tax revenue to the rural secondary and county road aid funds, to change the revenue sharing formula to divide 48.2% of motor fuel tax revenues between incorporated and unincorporated areas based on population, road mileage, and land area; clarify that the share of the three splits allocated to incorporated areas shall be used by cities in accordance with Sections 3,4, and 5 of the Act; clarify that the share of the three splits allocated to unincorporated areas shall be used by counties, with 54.8% going to rural secondary roads and 45.2% used for county roads; amend KRS 177.360 to eliminate the formula of fifths for allocation of rural secondary and county road aid funds among the counties and instead allocate funds to counties based on population, road mileage and land area; amend KRS 177.365 to clarify that the allocation of fuel taxes to incorporated areas shall be used by

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cities for city streets; eliminate references to "urban roads"; amend KRS 177.366 to eliminate the use for population as the sole factor in distributing municipal road aid funds and instead allocate funds based on population, road mileage, and land area; eliminate references to "unincorporated urban places"; amend KRS 177.369 to eliminate references to counties, urban roads, and unincorporated urban places; amend KRS 177.010 to define the term "revenue sharing road" amend KRS 177.330, 179.410, 179.415, 138.220, 177.020, 177.037, and 177.055 to conform; repeal KRS 67.805 and 81.015; EMERGENCY, EFFECTIVE JULY 1, 2016.

Oct 27, 2015 - Prefiled by the sponsor(s).

Jan 05, 2016 - introduced in House; to Appropriations & Revenue (H)

[HB80](#) - [C. Harris](#), [T. Riner](#), [D. Graham](#), [S. Santoro](#), [D. St. Onge](#)

AN ACT relating to open records.

Amend KRS 61.870 to narrow the funding criteria that determines exemptions from the definition of "public agency" in the Kentucky Open Records Act.

Nov 05, 2015 - Prefiled by the sponsor(s).

Jan 05, 2016 - introduced in House; to State Government (H)

Jan 19, 2016 - posted in committee

Jan 28, 2016 - reported favorably, 1st reading, to Consent Calendar

Jan 29, 2016 - 2nd reading, to Rules; taken from Rules (H); placed in the Consent Orders of the Day for Monday, February 1

Feb 01, 2016 - 3rd reading, passed 92-0

Feb 02, 2016 - received in Senate

Feb 04, 2016 - to State & Local Government (S)

[HB187](#) - [B. Yonts](#), [R. Smart](#), [W. Stone](#), [T. Thompson](#)

AN ACT relating to petroleum storage tanks.

Amend KRS 224.60-142 to extend the date to participate in the petroleum storage tank fund from 2016 to 2021; amend KRS 224.60-130 to extend the date to perform corrective action using money from the petroleum storage tank account from 2019 to 2024; amend 224.60-145 to extend the date for the

small operator assistance account from 2016 to 2021.

Jan 07, 2016 - introduced in House

Jan 11, 2016 - to Natural Resources & Environment (H)

Jan 14, 2016 - posted in committee

Feb 02, 2016 - posted in committee

Feb 04, 2016 - reported favorably, 1st reading, to Consent Calendar

Feb 05, 2016 - 2nd reading, to Rules

Feb 08, 2016 - posted for passage in the Consent Orders of the Day for Wednesday, February 10

Feb 10, 2016 - 3rd reading, passed 95-0

Feb 11, 2016 - received in Senate

Feb 16, 2016 - to Natural Resources & Energy (S)

[HB243](#) - [A. Wuchner](#), [J. Fischer](#), [M. Meredith](#), [J. York](#)

AN ACT relating to administrative regulations.

Create a new section of KRS Chapter 13A to delay the effective date of ordinary administrative regulations with a major economic impact until the effective date of legislation ratifying the administrative regulation; amend KRS 13A.010 to define "major economic impact" as an overall annual economic impact from an administrative regulation of \$500,000 or more on state and local government and regulated entities as determined by the promulgating administrative body; amend KRS 13A.250 to require the fiscal note to include a cost analysis of the administrative regulation's effect on regulated entities and a determination by the promulgating administrative body as to the overall economic impact of the administrative regulation; amend KRS 13A.330 and 13A.331 to conform; specify short title of the Act.

Jan 13, 2016 - introduced in House

Jan 14, 2016 - to State Government (H)

[HB245](#) - [J. Fischer](#), [T. Kerr](#), [B. Linder](#), [S. Santoro](#), [D. St. Onge](#), [A. Wuchner](#)

AN ACT relating to sanitation districts.

Amend KRS 220.110 to limit a sanitation district's power to tax to the direct use of sanitary or storm sewers; prohibit the taxation of indirect or imputed

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benefits; amend KRS 220.135 to define "consumption" to include only the direct use of sanitary or storm sewers; amend KRS 220.250 to prohibit a district from adopting a financing plan that taxes indirect use of sanitary or storm sewers; amend KRS 220.510 to prohibit a district from collecting a tax on an indirect use or an imputed benefit.

Jan 13, 2016 - introduced in House
Jan 14, 2016 - to Local Government (H)
Jan 29, 2016 - posted in committee

[HB350 - J. Kay](#)

AN ACT relating to income tax credits promoting land conservation.

Create a new section of KRS Chapter 141 to establish a qualified conservation contribution income tax credit; require annual report; 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 credit applications; amend KRS 262.908 to include the Purchase of Agricultural Conservation Easement (PACE) Corporation Board in the evaluation of credit applications.

Feb 05, 2016 - introduced in House
Feb 08, 2016 - to Appropriations & Revenue (H)

[HB370 - J. Bell](#)

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

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

Feb 08, 2016 - introduced in House
Feb 09, 2016 - to Elections, Const. Amendments & Intergovernmental Affairs (H)

[SB71/LM - R. Alvarado, D. Thayer, J. Schickel, W. Schroder](#)

AN ACT relating to taxes and fees imposed by special purpose governmental entities.

Create a new section of KRS Chapter 65A to require proposed increases in ad valorem taxes and certain fees, and the levy of new ad valorem taxes or fees by special purpose governmental entities to be submitted to the legislative body of the county or city where the special purpose governmental entity is located for review; amend KRS 132.023 to conform; repeal KRS 65A.100; EFFECTIVE January 1, 2017.

[SB71 - AMENDMENTS](#)

[SCS1/LM](#) - Retain original provisions, except establish exceptions to the reporting requirements for fees.

[SFA1](#)(R. Jones II) - Retain original provisions; amend KRS 65A.020 to require the Commission on Fire Protection Professional Standards and Education to submit on behalf of all certified volunteer fire departments reports submitted to the commission pursuant to KRS 75.430 in lieu of the volunteer fire departments having to comply with budget and audit submission requirements; amend KRS 65A.030 to allow the audit requirements established by KRS 65A.030 to be fulfilled by the submissions required by KRS 75.430; amend KRS 75.430 to require the Commission on Fire Protection Professional Standards and Education to submit information filed with it by certified volunteer fire departments to the Department for Local Government as required by KRS 65A.020.

[SFA2](#)(R. Jones II) - Make title amendment.

[SFA3](#)(R. Alvarado) - Retain original provisions; clarify the establishing entity that must review taxes and fees imposed by special purpose governmental entities; clarify that the provisions of Section 1 of the Act should not be interpreted as limiting the authority of any city or county to impose reporting or submission requirements that are more stringent than those established by Section 1 of the Act; provide that fees or charges imposed by municipal utilities are exempt from the approval requirements

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unless otherwise required by statute or an ordinance; exempt penalties, interest, fees, sanctions or charges, for failure to pay or comply from the approval requirements if imposed in accordance with a published schedule; correct drafting errors.

[SFA4](#)(R. Alvarado) - Retain original provisions; clarify the establishing entity that must review taxes and fees imposed by special purpose governmental entities; clarify that the provisions of Section 1 of the Act should not be interpreted as limiting the authority of any city or county to impose reporting or submission requirements that are more stringent than those established by Section 1 of the Act; provide that fees or charges imposed by municipal utilities are exempt from the approval requirements unless otherwise required by statute or an ordinance; exempt penalties, interest, fees, sanctions or charges, for failure to pay or comply from the approval requirements if imposed in accordance with a published schedule; correct drafting errors.

Jan 06, 2016 - introduced in Senate
 Jan 07, 2016 - to State & Local Government (S)
 Jan 27, 2016 - reported favorably, 1st reading, to Calendar with Committee Substitute (1)
 Jan 28, 2016 - 2nd reading, to Rules
 Feb 01, 2016 - posted for passage in the Regular Orders of the Day for Wednesday, February 3
 Feb 02, 2016 - floor amendment (1), (3), (4) to cs, (2-title) filed
 Feb 03, 2016 - passed over and retained in the Orders of the Day
 Feb 04, 2016 - passed over and retained in the Orders of the Day
 Feb 05, 2016 - passed over and retained in the Orders of the Day
 Feb 08, 2016 - passed over and retained in the Orders of the Day
 Feb 09, 2016 - taken from the Orders of the Day; recommitted to Appropriations & Revenue (S)

[SB90 - E. Harris](#)

AN ACT relating to the siting of cellular antenna towers.

Amend KRS 100.987 to direct that applications for cell towers on state-owned property be approved by

the Public Service Commission.

Jan 11, 2016 - introduced in Senate
 Jan 13, 2016 - to Natural Resources & Energy (S)
 Feb 03, 2016 - reported favorably, 1st reading, to Calendar
 Feb 04, 2016 - 2nd reading, to Rules
 Feb 08, 2016 - posted for passage in the Regular Orders of the Day for Tuesday, February 9
 Feb 09, 2016 - 3rd reading, passed 36-1
 Feb 10, 2016 - received in House
 Feb 11, 2016 - to Local Government (H)
 Feb 19, 2016 - posted in committee

[SB129 - E. Harris](#)

AN ACT relating to administrative regulations.

Amend KRS 13A.010 to change the defined term "government" to "local government" and to establish a definition for "written comments"; amend KRS 13A.020 to provide that a monthly meeting may be rescheduled, rather than canceled, by agreement of both co-chairs; amend KRS 13A.040 to clarify that an administrative body may submit a written request for a technical amendment and provide examples of technical amendments, rather than a complete list; require the regulations compiler to refuse to accept for filing administrative regulations that do not comply with specified requirements for emergency administrative regulations, statements of consideration, and amended-after-comments versions; amend KRS 13A.050 to correct the name of the Administrative Register of Kentucky; amend KRS 13A.070 to authorize, rather than require, the LRC to promulgate administrative regulations; delete the requirement that the regulations compiler refuse to accept any administrative regulation that does not conform to KRS Chapter 13A and the administrative regulations thereunder; specify that administrative regulations promulgated by LRC shall be signed by the President of the Senate and the Speaker of the House of Representatives; amend KRS 13A.125 to require that a current proposed administrative regulation be withdrawn prior to filing a subsequent proposed administrative regulation with the same number or title; amend KRS 13A.190 to require that emergency administrative regulations be published

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in the Administrative Register in accordance with the publication deadline established in KRS 13A.050(3); clarify provisions governing when a subsequent emergency administrative regulation with the same number or title or governing the same subject matter may be filed; establish the filing requirements for emergency administrative regulations; amend KRS 13A.220 to require that the electronic version be filed at the same time as, or prior to, filing the paper version; require that the electronic version be saved as a single document for each administrative regulation; specify that a section shall not be divided into lower levels of division if there is only one item in that level of division; require that the contact person's information include an email address; authorize administrative bodies to file letters and notifications electronically with the regulations compiler; amend KRS 13A.221 to require that, before filing an administrative regulation, an administrative body review the entire administrative regulation for compliance with KRS Chapter 13A and current law governing the subject matter of the administrative regulation; amend KRS 13A.222 to require that all changes made to the text of an existing administrative regulation be marked with new words underlined and deleted words struck through and placed in brackets; establish requirements for definitions in administrative regulations; remove the prohibition against using the phrase "at the time" in an administrative regulation; authorize the use of "et seq." in citations; require that citations accompany only the first usage of a popular name in an administrative regulation; amend KRS 13A.2251 to require that the incorporation-by-reference section of an administrative regulation state the regular office hours of the administrative body, rather than the set times of 8:00 a.m. to 4:30 p.m.; amend KRS 13A.2255 to establish the process for amending material previously incorporated by reference; amend KRS 13A.230 to require that the electronic version of an administrative regulation be filed at the same as, or prior to, filing the paper version; require that the electronic version be saved as a single document for each administrative regulation; amend KRS 13A.240 to require the regulatory impact analysis to state the administrative regulation's

number and the contact person's name, e-mail address, and telephone number; delete the requirement that the LRC prepare a written analysis of all regulatory impact analyses and administrative regulations; amend KRS 13A.250 and KRS 13A.255 to require inclusion of each contact person's name, e-mail address, and telephone number in the fiscal note and notification regarding fees; amend KRS 13A.270 to specify that the comment period shall end at 11:59 p.m. on the last day of the calendar month in which the administrative regulation is published in the Administrative Register, rather than having the end of the comment period dependent on whether the last day is a workday or a Saturday, Sunday, or legal holiday; require that the contact information include the contact person's e-mail address; clarify that the provisions for notification if a government may be impacted by an administrative regulation apply for local government, impact not both state and local government impact; delete the requirement that administrative bodies telephone the regulations compiler about the holding or canceling of public hearings and whether public comments were received; amend KRS 13A.280 to specify the filing requirements for a statement of consideration and an amended-after-comments version; amend KRS 13A.290 to require that ARRS review of an administrative regulation include the entire administrative regulation and all attachments filed with the administrative regulation; delete the requirement that a copy of the minutes of each meeting be sent to the promulgating administrative body; require that referrals to the second committee be made on the first Wednesday of the following month instead of at the next regularly scheduled LRC meeting; establish the voting requirements at the second committee level in order to amend an administrative regulation or find an administrative regulation deficient; amend KRS 13A.300 to establish requirements for deferring an administrative regulation scheduled for review at the second committee level; amend KRS 13A.310 to establish the effective date of a repealing administrative regulation if the repealer states an effective date that is after the normal effective date for an administrative regulation; amend KRS 13A.312 to

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specify that the regulations compiler shall alter administrative regulations pursuant to a statutory change or executive order after receipt of a written request from an administrative body; amend KRS 13A.315 to require that an administrative regulation expire if the statement of consideration and, if applicable, the amended-after-comments version not filed before a specified deadline, rather than requiring expiration if any item is not filed before a deadline; amend KRS 13A.320 to establish requirements for amendments made at a subcommittee meeting; amend KRS 13A.100, 13A.110, 13A.120, 13A.130, 13A.180, 13A.200, and 13A.224 to make technical corrections; and repeal KRS 13A.075 and 13A.140, relating to promulgation of administrative regulations.

SB129 - AMENDMENTS

SCS1 - Retain original provisions; amend KRS 13A.2255 to require the summary of changes to material incorporated by reference to describe the changes being made rather than to describe each change.

Jan 26, 2016 - introduced in Senate
 Jan 28, 2016 - to State & Local Government (S)
 Feb 03, 2016 - reported favorably, 1st reading, to Calendar with Committee Substitute (1)
 Feb 04, 2016 - 2nd reading, to Rules
 Feb 08, 2016 - posted for passage in the Regular Orders of the Day for Tuesday, February 9
 Feb 09, 2016 - 3rd reading, passed 37-0 with Committee Substitute (1)
 Feb 10, 2016 - received in House
 Feb 16, 2016 - to State Government (H)

SB132 - M. Wise

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, the Kentucky Model Procurement Code, to provide an explicit framework for the use of public-private partnerships (P3s) as an alternative method of procurement, construction, and financing of capital projects and services by state

government; define terms and establish procedures; require the promulgation of administrative regulations relating to P3 procurement; establish certain oversight, reporting, and General Assembly authorization requirements; amend KRS 65.025 and create a new section of KRS Chapter 65 to similarly provide an explicit framework for the use of P3s as an alternative method of procurement by local governments; define terms and establish procedures; establish the Kentucky Local Government Public-Private Partnership Board and require its review and approval of certain P3 agreements proposed by local governments; 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, constructing, operating and financing certain major transportation projects; define terms and amend the definition of a project to align with current federal usage; establish procedures and oversight, reporting, and General Assembly authorization requirements; make numerous conforming changes; prohibit any authority from authorizing tolls for any project involving the interstate highway system that connects the Commonwealth with the State of Ohio; EMERGENCY.

Jan 27, 2016 - introduced in Senate
 Jan 29, 2016 - to Economic Development, Tourism & Labor (S)

SB171 - S. Humphries

AN ACT relating to geothermal wells.

Amend KRS 223.400 to create 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.

Feb 10, 2016 - introduced in Senate
 Feb 12, 2016 - to Natural Resources & Energy (S)

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[SB218 - J. Adams](#)

AN ACT relating to radon testing in child-care centers.

Create a new section of KRS 199.892 to 199.8996 to require licensed child-care centers to be tested for radon at least once every five years as part of their initial licensure and license renewal; require the most current report to be posted in a public place within the child-care center.

Feb 23, 2016 - introduced in Senate
Feb 25, 2016 - to Health & Welfare (S)

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