



**Kentucky Legislative Report
March 18, 2016 - Regular Session Update**

**Prepared by
Scott R. Smith and Kori Andrews**

scottr.smith@smithmanage.com 859-231-8936 x116

Scott's Thoughts

My thought last week that the House and Senate would reach an impasse on the budget during this session was given credence when the House democrats passed a budget with a vote of 53-0, with all republicans abstaining from the vote. The House democrats want to use a \$500 million surplus in the Kentucky Public Employee Health Insurance Fund to help balance the budget and avoid the Governor's proposed budget cuts. The state Senate, which is controlled by republicans, will have a much different approach. The two sides will eventually meet in a Conference Committee to try to settle their differences. It seems that the gap between the House and Senate will be too large for them to come to a solution the Governor will accept. My bet is still a special session after Derby. Maybe more than one.

HB 563 is a bill that shows that when the legislature wants something to move quickly it can. It was introduced 3/1; passed the House on 3/15 and was received in the Senate 3/16. The Bill is meant to clarify rules related to solid wastes from oil & gas operations that contain low level radiological materials. The effective cabinets are to revise regulations related to radioactive wastes. I predict that the Senate will pass the bill this week.

Another bill that was filed late in the session (3/3) will dramatically change Kentucky's mine inspection program. SB 297 would convert the states 62 inspectors to safety analysts that will correct dangerous practices through "behavior modification," instead of issuing citations. This is obviously a response to the Obama Administration's desire to close the coal mining industry. It will be interesting to see if the House Committee will even call this bill for a vote. Stay tuned.

SB 129 regarding Administrative Regulations has passed the Senate and appears to be moving in the House. Another one to watch how the House manages it.

The Bill that I'm most curious about is HB 529. It's a first shot at state management of water. It will establish an 11 member Board; require the Environmental Cabinet to provide on-farm and rural community drought & water assessment monitoring among other things. It passed the House 95-0 and assigned to the Senate Agriculture Committee. This bill has a good head of steam and will be interesting to see if the Senate jumps on board or wants more discussion to occur between legislative sessions.

We are almost done and it's a good thing. Sometimes I think that a better way to conduct the people's business is to file the budget bill first on even year sessions and when it is passed and signed by the Governor, the other matters can be discussed. Why not....? Aren't approximately 1000 bills plus the budget more than any group of people can handle?

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.

<u>Contents</u>	
Energy/Utilities.....	2
Waste.....	5
Administrative Law.....	8
Water.....	11
Local Government.....	11
Other.....	12

Energy/Utilities

[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)
 Mar 01, 2016 - posted in committee

[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.

[HB449 - AMENDMENTS](#)

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



[HCS1](#) - Retain original provisions; change the definition of "waste-to-energy facility" so that it only applies to facilities that are located or will be located in counties with populations of 500,000 or more people.

Feb 19, 2016 - introduced in House
 Feb 22, 2016 - to Tourism Development & Energy (H)
 Mar 01, 2016 - posted in committee
 Mar 15, 2016 - posted in committee
 Mar 17, 2016 - reported favorably, 1st reading, to Calendar with Committee Substitute (1)

[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.

[HB461](#) - AMENDMENTS

[HFA1](#) (J. Short) - Amend to include counties in which coal jobs decreased as a result of decreased coal production.

Feb 22, 2016 - introduced in House
 Feb 23, 2016 - to Tourism Development & Energy (H)
 Mar 01, 2016 - posted in committee
 Mar 03, 2016 - reported favorably, 1st reading, to Calendar
 Mar 04, 2016 - 2nd reading, to Rules
 Mar 08, 2016 - floor amendment (1) filed

Mar 10, 2016 - recommitted to Natural Resources & Environment (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
 Feb 29, 2016 - to Licensing & Occupations (H)
 Mar 10, 2016 - posted in committee

[HB536](#) - [S. Riggs](#)

AN ACT relating to natural gas as transportation fuel and making an appropriation therefor.

Create new sections of KRS Chapter 152 to create a fund and award rebates to commercial or governmental entities that purchase, lease, or convert vehicles in their fleet to burn natural gas fuels; specify that Energy and Environment Cabinet would oversee the program and report on its activities; create a new section of KRS 141 to provide a tax credit for a taxpayer that constructs fueling infrastructure for vehicles that burn natural gas fuels; amend KRS 141.0205 to conform; appropriate \$2 million in the next two fiscal years for the fund and rebates.

Feb 29, 2016 - introduced in House
 Mar 01, 2016 - to Appropriations & Revenue (H)

[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

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



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
 Feb 29, 2016 - posted for passage in the Regular Orders of the Day for Thursday, March 3, 2016
 Mar 03, 2016 - 3rd reading, passed 38-0 with Committee Substitute (1)
 Mar 04, 2016 - received in House
 Mar 07, 2016 - to Natural Resources & Environment (H)
 Mar 14, 2016 - posted in committee
 Mar 17, 2016 - reported favorably, 1st reading, to Consent Calendar

[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.

[SB224](#) - AMENDMENTS

[SCS1](#) - Retain original provisions of HB 224 except, replace the federal mine foreman training under 30 C.F.R. Part 75 with training by a Kentucky certified instructor or one certified by the United States Department of Labor, Mine Safety and Health Administration.

Feb 23, 2016 - introduced in Senate
 Feb 25, 2016 - to Natural Resources & Energy (S)
 Mar 09, 2016 - reported favorably, 1st reading, to Calendar with Committee Substitute (1)
 Mar 10, 2016 - 2nd reading, to Rules
 Mar 16, 2016 - posted for passage in the Regular Orders of the Day for Thursday, March 17, 2016
 Mar 17, 2016 - 3rd reading, passed 26-10 with Committee Substitute (1); received in House

[SB277](#) - [A. Kerr](#)

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.

Mar 03, 2016 - introduced in Senate
 Mar 07, 2016 - to Licensing, Occupations, & Administrative Regulations (S)

[SB303](#) - [R. Jones II](#), [J. Turner](#)

AN ACT relating to economic and workforce development and making an appropriation therefor.

Create a new section of KRS Chapter 151B to direct the Education and Workforce Development Cabinet to implement a program to assist in the education and retraining of dislocated coal miners; create a new section of KRS Chapter 18A to require that a person with five years of surface or underground coal mining experience be given preference in state employment; create a new section of KRS Chapter 198A directing the Kentucky Housing corporation to establish programs relating to subsidies for home energy efficiency and to work with Kentucky Community and Technical College System to retrain dislocated coal workers in energy auditing and energy-efficient contracting

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



certification; provide funding through general fund coal severance tax receipts and creating the Kentucky energy efficiency fund; APPROPRIATION.

Mar 03, 2016 - introduced in Senate
Mar 07, 2016 - to Appropriations & Revenue (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)
Mar 16, 2016 - reported favorably, 1st reading, to Consent Calendar
Mar 17, 2016 - 2nd reading, to Rules

[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)
Mar 16, 2016 - reported favorably, 1st reading, to Consent Calendar
Mar 17, 2016 - 2nd reading, to Rules

[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 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
Feb 29, 2016 - 3rd reading, passed 86-1
Mar 01, 2016 - received in Senate

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 03, 2016 - to Appropriations & Revenue (S)

[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.

[HFA1](#) (S. Riggs) - Amend Section 2 of the bill to remove "homeowners' associations" from the definition of "local government," remove the ability for verbal comments to be taken after the conclusion of the public hearing, add a new subsection to allow a local government to mitigate conditions created by an authorized company that are creating health and safety concerns for the citizens without having to use the provisions of the Act.

[HFA2](#) (S. Riggs) - Amend Section 2 of the bill to remove "homeowners' associations" from the definition of "local government," remove the ability for verbal comments to be taken after the conclusion of the public hearing, increase the franchise award effective date when displacement is

caused by the award of a franchise where none exists from at least 180 days to at least 12 months; decrease the time for displacement from 3 years to 18 months when displacement is caused by a determination other than that of a franchise; add a new subsection to allow a local government to mitigate conditions created by an authorized company that are creating health and safety concerns for the citizens and allow displacement of 50 or fewer residential customers, no more than 1 time every 3 years, without having to use the provisions of the Act.

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

Feb 29, 2016 - floor amendment (1) filed to Committee Substitute

Mar 07, 2016 - floor amendment (2) filed to Committee Substitute

[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

Mar 03, 2016 - reported favorably, 1st reading, to Consent Calendar

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 04, 2016 - 2nd reading, to Rules
 Mar 07, 2016 - posted for passage in the Consent Orders of the Day for Wednesday, March 9, 2016
 Mar 09, 2016 - 3rd reading, passed 96-0
 Mar 10, 2016 - received in Senate
 Mar 14, 2016 - to Natural Resources & Energy (S)

[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 appointment of new board.

[HB454](#) - AMENDMENTS

[HFA1](#)(S. Riggs) - Replace subsection (4) of Section 2 of the bill to set out appointees to solid waste management boards in counties containing consolidated local governments increasing the board as presently constituted in the county containing a consolidated local government from 5 members to 8; replace Section 3 of the bill to provide that the mayor has 90 days after the effective date of the bill to appoint the members not currently serving on the board to the board as amended.

[HFA2](#)(S. Riggs) - Replace subsection (14) of subsection 1 to prohibit a waste management district from prohibiting or impeding a city from using a solid waste management facility, and prohibit the waste management district from charging the city any fee that is based on the composition of the waste stream if the stream is otherwise in conformity with specified law; replace subsection (4) of Section 2 of the bill to set out appointees to solid waste management boards in counties containing consolidated local governments increasing the board as presently constituted in the county containing a consolidated local government from five members to nine; replace Section 3 of the bill to provide that the mayor has 90 days after the effective date of the bill to appoint the members not currently serving on the board to the board as amended.

Feb 22, 2016 - introduced in House
 Feb 23, 2016 - to Local Government (H)
 Feb 29, 2016 - posted in committee
 Mar 02, 2016 - reported favorably, 1st reading, to Calendar
 Mar 03, 2016 - 2nd reading, to Rules; floor amendment (1) filed
 Mar 09, 2016 - posted for passage in the Regular Orders of the Day for Thursday, March 10, 2016
 Mar 15, 2016 - floor amendment (2) filed
 Feb 22, 2016 - introduced in House

[HB563](#) - [C. Howard, H. Collins, D. Hale, C. Harris, J. Richards](#)

AN ACT relating to solid waste.
 Amend KRS 211.863 to clarify that solid wastes from oil and gas drilling operations that contain low-level radioactive wastes are included in prohibited imports; amend KRS 224.50-760 to prohibit importation of certain solid wastes resulting from oil and gas drilling operations.

[HB563](#) - AMENDMENTS

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



[HCS1](#) - Delete all sections of HB 563; declare findings of the General Assembly regarding naturally occurring radioactive material or "NORM"; direct the Energy and Environment Cabinet and the Cabinet for Health and Family Services to revise existing administrative regulations regarding the management of oil and gas related wastes containing NORM; encourage the Energy and Environment Cabinet and the Cabinet for Health and Family Services to include specific interest groups in the revision of administrative regulations; require report on compliance with updating regulations by December 1, 2016; declare an EMERGENCY.

[HCA1](#)(F. Steele) - Make title amendment.

Mar 01, 2016 - introduced in House
 Mar 02, 2016 - to Natural Resources & Environment (H)
 Mar 08, 2016 - posted in committee
 Mar 10, 2016 - reported favorably, 1st reading, to Calendar with Committee Substitute (1) committee amendment (1-title)
 Mar 11, 2016 - 2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Monday, March 14, 2016
 Mar 15, 2016 - 3rd reading, passed 97-0 with Committee Substitute (1), committee amendment (1-title)
 Mar 16, 2016 - received in Senate

[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)

Administrative Law

[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)
 Mar 16, 2016 - taken from State & Local Government (S); 1st reading; returned to State & Local Government (S)

[SB129](#) - [E. Harris](#)

AN ACT relating to administrative regulations.

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



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 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

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



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 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.

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

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.

HCS1 - Retain original provisions; create a new section of KRS Chapter 141 to permit the Department of Revenue to publish tax forms and instructions to the forms without promulgating an administrative regulation; amend KRS 13A.110, 131.130, 141.050 and 41.068 to conform.

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)
Mar 15, 2016 - posted in committee
Mar 17, 2016 - reported favorably, 1st reading, to Consent Calendar with Committee Substitute (1)

SB244 - W. Schroder, J. Bowen

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 29, 2016 - introduced in Senate
Mar 02, 2016 - to State & Local Government (S)
Mar 09, 2016 - reported favorably, 1st reading, to Calendar



Mar 10, 2016 - 2nd reading, to Rules
 Mar 14, 2016 - posted for passage in the Regular Orders of the Day for Tuesday, March 15, 2016
 Mar 15, 2016 - 3rd reading, passed 25-12; received in House
 Mar 16, 2016 - to Elections, Const. Amendments & Intergovernmental Affairs (H)

Water

[HB529](#) - [R. Rand](#), [S. Rudy](#), [R. Adkins](#), [R. Crimm](#), [M. Denham](#), [R. Heath](#), [K. King](#), [M. Meredith](#), [T. Mills](#), [W. Stone](#), [T. Thompson](#), [J. Tipton](#)

AN ACT relating to water resources policy.

Create a new section of KRS 151.100 to 151.460 to establish the 11-member Kentucky Water Resources Board; set initial appointments and identify the role and function of the board in developing water resource policy; attach the board to the Energy and Environment Cabinet for administrative purposes; require the cabinet to provide staff to the board; amend KRS 151.110 to include agriculture in the list of reasons water resources have become of vital importance to the Commonwealth; require the cabinet to provide leadership for on-farm and rural community drought and water assessment monitoring, and improvements for agricultural purposes; and authorize the cabinet to receive and disperse federal, state, and other funds for on-farm and community drought and water assessment, monitoring, and improvements.

Feb 29, 2016 - introduced in House

Mar 01, 2016 - to Agriculture & Small Business (H); posted in committee; posting waived

Mar 02, 2016 - reported favorably, 1st reading, to Consent Calendar

Mar 03, 2016 - 2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Monday, March 7, 2016

Mar 07, 2016 - taken from the Consent Orders of the Day, placed in the Regular Orders of the Day

Mar 08, 2016 - 3rd reading, passed 95-0

Mar 09, 2016 - received in Senate

Mar 11, 2016 - to Agriculture (S)

Mar 15, 2016 - reported favorably, 1st reading, to

Consent Calendar

Mar 16, 2016 - 2nd reading, to Rules

Local Government

[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

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



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.

[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)

Other

[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

[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

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

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)

Mar 10, 2016 - taken from Economic Development, Tourism & Labor (S); 1st reading; returned to Economic Development, Tourism & Labor (S)

Mar 11, 2016 - taken from Economic Development, Tourism & Labor (S); 2nd reading; returned to Economic Development, Tourism & Labor (S)

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

